



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number 2017OPA-0040

Issued Date: 08/24/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.370 (4) Sexual Assault Investigation: Officers Complete a GO Report and an Officer Statement (Policy that was issued January 15, 2014)
OPA Finding	<b>Sustained</b>
Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	<b>Allegation Removed</b>
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	Written Reprimand

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 15.370 (4) Sexual Assault Investigation: Officers Complete a GO Report and an Officer Statement (Policy that was issued January 15, 2014)
OPA Finding	<b>Sustained</b>

Allegation #2	<u>Seattle Police Department Manual</u> 15.180 (5) Primary Investigations: Officers Shall Document all Primary Investigations on a General Offense Report (Policy that was issued April 1, 2015)
OPA Finding	<b>Allegation Removed</b>
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	Written Reprimand

<b>Named Employee #3</b>	
Allegation #1	<u>Seattle Police Department Manual</u> 15.370 (4) Sexual Assault Investigation: Officers Complete a GO Report and an Officer Statement (Policy that was issued January 15, 2014)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Final Discipline	N/A

### **INCIDENT SYNOPSIS**

The Named Employees were dispatched to take a report from the complainant.

### **COMPLAINT**

The complainant alleged that Named Employees #1 and #2 responded to a 911 report of a sexual assault and may have misapplied their discretion by not conducting a proper investigation and failing to file a General Offense (GO) Report that was complete, thorough and accurate. The complainant also alleged that Named Employee #3 failed to take a report when she went to the precinct to report the sexual assault prior to the 911 call and was told by Named Employee #3 that she had to contact Sexual Assault Unit (SAU) directly.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

Named Employee #1 and Named Employee #2 were assigned together in a two-officer car. They responded to a report of a sexual assault and made contact with the person making the report (the complainant). The complainant told the officers that she had been the victim of a sexual assault some 14 years prior. The complainant gave the officers sufficient information to determine that a sexual assault crime may have occurred. SPD Policy 15.370(4) requires officers who conduct a Primary Investigation of a reported sexual assault to “complete a brief GO report” to include:

- Whether sexual penetration occurred;
- The identification of the suspect if known;
- Whether there was forcible compulsion.

This policy also requires officers to “complete a detailed officer statement.” The Task for this policy contains a list of things the patrol officer should do when conducting a sexual assault primary investigation. Because the reported sexual assault took place many years before the date of the report, several of the tasks listed did not apply to the situation faced by Named Employee #1 and Named Employee #2. However, the following tasks could have been performed by either Named Employee #1 or Named Employee #2:

1. Contacts the victim and determines immediate medical need.
2. Determines suspect identity and/or description.
5. Determines location of the crime scene.
7. Identifies witnesses.
8. Collects addresses and phone numbers of the victim and witnesses.
11. Completes a brief GO Report.
12. Establishes elements of the crime.
13. Completes a detailed officer’s statement.

The OPA investigation showed that Named Employee #1 and Named Employee #2 completed task numbers 1, 2, 11 and 12. However, Named Employee #1 and Named Employee #2 did not determine the address where the assault took place and did not list in the GO Report the names and contact information for any witnesses. The complainant told the officers about a witness who could verify a number of factors regarding the incident, even though that witness did not

see the actual assault. Nonetheless, no information about the existence of a witness was included in the GO Report. Named Employee #1 and Named Employee #2 both contributed to the GO Report and it did not contain all the information the complainant provided to them, including her claim that she possessed additional documentary evidence that might support her allegation. Finally, the GOR was titled by Named Employee #1 and Named Employee #2 as a “Crisis” rather than a “Sexual Assault.”

This policy is in place to ensure that responding Patrol Officers conduct an adequate primary investigation of reported sexual assaults and fully document that investigation in a GO Report so the SAU can properly follow up and conduct their investigation. As a direct result of the incomplete and mislabeled GO Report jointly authored by Named Employee #1 and Named Employee #2, the SAU investigation of this report was delayed. In addition, the complainant/victim experienced distress at not having her report taken seriously and lost trust in the Seattle Police Department.

The allegation concerning the inadequacy of the GO Report jointly authored by Named Employee #1 and Named Employee #2 was adequately addressed in allegation #1, above. Therefore allegation #2 was removed as being redundant for both Named Employee #1 and #2.

At some point in the interaction between the complainant and the two officers (Named Employee #1 and Named Employee #2), the officers made the determination that the complainant was likely delusional and/or paranoid; they began viewing the interaction as a “Crisis Intervention” and not a reported Sexual Assault that needed to be adequately investigated and documented. It is critically important that officers not dismiss reported crimes merely because the person reporting the crime happens to be in crisis or has a mental health challenge. In fact, with certain crimes, including sexual assault, the vulnerability sometimes attendant to being in crisis can increase the probability a perpetrator will target a person as his or her victim.

The complainant told Named Employee #3 she wanted to report a sexual assault and that she preferred to have that report taken by a female officer. Named Employee #3 was not a female officer and was a Desk Clerk in the precinct building. He provided the complainant with information on how she could contact Dispatch to request a female officer come to take the report, or contact the SAU directly. Given the complainant’s desire to have a female officer take her report, the OPA Director found that Named Employee #3 took reasonable steps to see that the complainant’s report was taken.

The complainant alleged that Named Employee #3 was dismissive and did not take her report seriously. As evidence of that, the complainant cited Named Employee #3’s use of air-quotes when he used the word “victim” in reference to the complainant. Named Employee #3 denied doing this, or anything to diminish the seriousness of the complainant’s report. Given the lack of any other witnesses to this interaction or any video/audio recording of their exchange, the OPA Director found there was insufficient evidence to either prove or disprove the complainant’s allegation.

## **FINDINGS**

### **Named Employees #1 and #2**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #1 and Named Employee #2 both contributed to the GO Report and it did not contain all the information the complainant provided to them. Therefore a **Sustained** finding was issued for *Sexual Assault Investigation: Officers Complete a GO Report and an Officer Statement*.

**Discipline Imposed:** Written Reprimand

#### Allegation #2

This allegation was removed.

#### Allegation #3

The evidence showed that the Named Employees would benefit from additional training. Therefore a finding of Not Sustained (Training Referral) was issued for *Standards and Duties: Employees May Use Discretion*.

**Required Training:** Named Employees #1 and #2 should receive training and counseling from their supervisor regarding the necessity of keeping an open mind when taking a crime report from a person who happens to exhibit signs they are in crisis or are dealing with a mental health issue.

### **Named Employee #3**

#### Allegation #1

A preponderance of the evidence showed that Named Employee #3 took reasonable steps to see that the complainant's report was taken. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Sexual Assault Investigation: Officers Complete a GO Report and an Officer Statement*.

#### Allegation #2

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees May Use Discretion*.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*