



# PACIFIC POLICE DEPARTMENT

## *Memorandum*

Chief Craig Schwartz

August 27, 2020

TO: Detective Terry Carter

FROM: Chief Schwartz

**SUBJECT:** Garrity Advisement re Investigation of Alleged Policy Violations (AI 20-04)

In July 2020 we undertook an audit of the detective case log and noted dozens of open cases dating back to 2016. As of August 3, 2020 the detective case log showed 30 open cases involving allegations of child abuses, rape, rape of a child, and other sex offenses. A further review of the open cases revealed that many of them did not have any supplemental reports or follow-up investigation in Spillman, the Pacific Police Department's report writing software. I ordered you save whatever investigative reports you had for those cases into Spillman, and we then learned that you had not completed some of the cases and had done no follow-up investigation in others.

If you failed to properly investigate crimes, particularly serious felony allegations, could constitute violations of the following policies of the Pacific Police Department and also fail to meet the requirements of the job description for a Detective. The job duties and description document for the Detective position is attached to this memo, along with my September 20, 2019 memo regarding detective and patrol roles & responsibilities and the detective case log as it existed on August 3, 2020.

### **Policy 327 – Child Abuse**

#### 327.3 Mandatory Notification

Members of the Pacific Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030)

#### 327.4 Investigation Responsibility

The duties of the detectives assigned to investigate child abuse include, but are not limited to:

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- (a) Responsibility for the investigation, the collection of evidence, and preliminary preparation for the prosecution of all cases of child abuse and molestation.
- (d) Investigating reports of unfit homes, child abandonment, child endangering, or neglect.
- (e) Providing follow-up compliance calls on reports of suspected child abuse.

### 327.5 Investigations and Reporting

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

### **Policy 337 – Conduct**

#### 337.3.5 Performance

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

### **Policy 341 – Report Preparation**

#### 341.3 General Policy of Expeditious Reporting

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### **Policy 600 – Investigation and Prosecution**

#### 600.1 Purpose and Scope

When assigned to a case for initial or follow-up investigation, detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

### **Policy 607: Sexual Assault Investigations**

#### 607.2 Policy

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It is the policy of the Pacific Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

On August 7, 2020 I notified you that I was asking the King County Sheriff's Office to conduct an administrative investigation into the circumstances and allegations listed above. King County Sheriff's Detective Tim Meyer has been assigned to the case and will be in touch with you to schedule an interview.

**Administrative Investigation Warning  
(Garrity Advisement)**

I wish to advise you that you are being questioned as part of an official investigation of the Pacific Police Department. You will be asked questions specifically directed at and narrowly focused on the performance of your official duties or fitness for office. You are entitled to all of the rights of the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the Pacific Police Department. If you do answer, neither your statements nor any other information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent department or administrative allegations.

**Right to Representation  
(Weingarten Rights)**


The US Supreme Court decision in *N.L.R.B. v. Weingarten*, 95 S.Ct.959 (1975) held a public employee has a right to union representation whenever the employee reasonably believes that a supervisory interview/interrogation may lead to disciplinary action being taken against the employee. The right to representation only applies to subject officers when the interview is related to fitness for duty issues. Witness officers do not have the right to representation. Weingarten applies to internal investigations, not routine matters or on-scene questions by supervisors such as "What happened?" Time for private consultation with the Guild representative should be allowed, using a reasonableness standard. This is not a formal hearing/process- and formal objections or unreasonable interruptions are not allowed. Attorneys/representatives should be allowed to make comments for the record at the end of the interview.

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Date: 8/2~~8~~2020

  
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Chief Craig Schwartz

Cc: IA 20-04 File

Matthew House, Teamsters Local Union No. 117



## PACIFIC POLICE DEPARTMENT

### *Memorandum*

Chief Craig Schwartz

September 19, 2020

TO: All Personnel

FROM: Chief Schwartz

**SUBJECT: Detective and Patrol Roles/Responsibilities**

One of the issues I learned about shortly after my arrival was about the detective workload and the high volume of cases assigned to the detective. I did some research into the caseload and also spoke with Detective Carter and Lt. Bos about the issues. Among the questions I asked were:

1. What investigative functions are we required to perform?
2. What does the detective spend his time on now?
3. What should the detective be doing?

The three of us met this week so I could hear the answers to the first two questions and get recommendations about the third. Effective immediately, we are implementing some changes to our internal processes about what work gets assigned to the detective and the process for assigning that work. I also want to clarify expectations for everyone regarding our investigative work.

From now on, the detective will be responsible for the following programs or tasks:

1. Managing the Registered Sex Offender program
2. Records Custodian for the public safety camera system
3. Assisting with rush file charges for suspects booked into the County Jail over the weekend
4. Assisting (but not writing) search warrants for patrol cases not assigned to the detective
5. Assisting with warrant service during daytime hours when AFIS is needed/available
6. Investigation of felony sex crimes
7. Major crimes including, but not limited to: homicide, suspicious deaths, robbery, kidnapping, etc.
8. High profile, complex, or high value property crimes
9. CPS and APS referrals **that are beyond the capability of a patrol officer to investigate**
10. Other cases that exceed patrol's capacity.

Patrol officers will, generally, be expected to investigate and complete:

1. Most property crimes
2. CPS or APS referrals that don't involve complex sexual assault allegations or child interviews
3. Search warrants of vehicles or other relatively simple cases

If a patrol officer has a case that he or she believes should be assigned to the detective, the case must be reviewed and referred to the detective by a Sergeant or the Lieutenant. As the detective's supervisor, the Lieutenant has the overall authority for managing the detective's case load and determining whether cases will be handled by a patrol officer or the detective.

Finally, I expect that all officers do thorough, high-quality work on all their investigations, even if that investigation will eventually be referred to the detective for follow-up investigation. Everything we do should help us accomplish our mission of making Pacific a safe place to live, work and play, and also help us achieve our vision of being the standard of excellence in small-city policing.

Thanks for your time, and for all your work. If you have questions, concerns, or comments, please feel free to talk with Detective Carter, Lt. Bos, your Sergeant, or me.