



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 17, 2018

CASE NUMBER: 2016OPA-0836

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Inconclusive)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Named Employee self-reported an allegation regarding his involvement in a disturbance at his home.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

Off-duty Conduct - 5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

Named Employee #1 (NE#1) was involved in a relationship with a woman who was undergoing a contentious divorce. This woman had a daughter and shared custody of that daughter with her ex-husband. On the date in question, the daughter was angered by the ex-husband’s refusal to take her to dinner. She then engaged in activities and behavior that the mother perceived as threatening. The daughter suffered from diagnosed mental illness and was bigger than her mother. NE#1 stood between the daughter and her mother and prevented the daughter from physically assaulting her mother. The daughter left her mother’s residence and the mother and NE#1 called the police.

The King County Sheriff’s Office was called and responded to the incident. They interviewed NE#1 and the mother. Their accounts of the incident were consistent. Both denied being assaulted or assaulting the daughter. The investigator examined the house and determined that, aside from papers that the mother and NE#1 claimed were thrown on the floor by the daughter, the house was neat and orderly. The investigator further determined that there were no signs of injuries to either the mother or NE#1, or, for that matter, any indication that they were involved in a physical struggle.

The investigator was contacted by NE#1 around 10 minutes later. During that telephone call, NE#1 indicated that the daughter had returned to the ex-husband’s home and reported that NE#1 assaulted her. NE#1 indicated that the daughter and the ex-husband had threatened to call the Kirkland Police Department.

NE#1 self-reported this incident to a supervisor, who then referred this matter to OPA. OPA then initiated this investigation.



During its investigation, OPA interviewed the mother who again denied that NE#1 assaulted her daughter. Her statement to OPA was consistent with the statement she gave to the King County Sheriff's Office. OPA also interviewed the ex-husband. The ex-husband stated that his daughter told him that NE#1 "kicked her in the side." The ex-husband indicated that while he did not observe any injuries to his daughter, she insisted that she was not lying. The ex-husband reported his daughter saying that she would not talk to anyone about the incident.

From a review of the ex-husband's statement and email correspondence from NE#1 to OPA, it appears that Child Protective Services (CPS) also investigated this matter. However, OPA does not have CPS's file and is unaware of the conclusion of its investigation. Moreover, OPA did not interview either NE#1 or the daughter.

Based on the evidence contained in OPA's file as well as on that evidence that OPA does not have (which is discussed above), I cannot conclusively determine whether or not an assault of the daughter occurred. This is the case even though I have serious doubts as to the credibility of the daughter's account. As such, I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**