



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0362

Issued Date: 11/28/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 1.029 I (II) Administration - Rules of Conduct: Police Officers (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 1.029 I (III) Administration - Rules of Conduct: Employee Associations (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 1.029 I (II) Administration - Rules of Conduct: Police Officers (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 1.029 I (III) Administration - Rules of Conduct: Employee Associations (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 1.029 I (II) Administration - Rules of Conduct: Police Officers (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 1.029 I (III) Administration - Rules of Conduct: Employee Associations (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Inconclusive)
Allegation #3	<u>Seattle Police Department Manual</u> 1.029 I (V) Administration - Rules of Conduct: Obedience to Rules (Policy that was issued July 1, 1996)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

OPA received a memorandum written by an Acting Assistant Chief that documented potential misconduct by SPD employees. The memorandum indicated that two confidential informants (CIs) had informed SPD detectives of alleged illegal conduct by “dirty cops.”

COMPLAINT

The Named Employees were alleged to have engaged in conduct that was illegal and out of policy. The conduct was claimed to have occurred between the years of 1993 through 1998 and was alleged by a male and female confidential informant.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of external investigation documents
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

SPD Policy 1.029(II)(A) provides as follows: "A police officer is the most conspicuous representative of government, and to the majority of people the officer is the symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when their actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other professions."

In her initial discussion with SPD detectives, the female CI indicated that she had a sexual relationship with Named Employee #1 beginning when she was in her teens, that Named Employee #1 provided her with financial assistance including helping her rent an apartment in Bremerton, that he gave her narcotics that he took from dealers, and that he helped her hide narcotics and informed her of imminent law enforcement activity so that she would not be arrested.

The female CI was then interviewed by an SPD detective. The female CI indicated that she began a relationship with Named Employee #1 when she was 21 years old and pregnant. She stated that she and Named Employee #1 had sex in a number of places. She further indicated that Named Employee #1 helped her by telling her when to hide drugs. She also indicated that, at one point, Named Employee #1 recovered drugs dropped by a dealer and that he gave the drugs to her when she requested them. At her subsequent interview, the female CI denied that Named Employee #1 would take drugs from dealers and give those drugs to her.

When interviewed by OPA, the female CI again indicated that Named Employee #1 had engaged in a sexual relationship with her and that the relationship got "serious" when she was 21 years old and pregnant with her son. She stated that Named Employee #1 helped her rent an apartment in Bremerton, and prevented her from being arrested on multiple occasions by telling her when law enforcement activity was expected. She also again recounted that Named Employee #1 had recovered drugs from a dealer named and had given her the drugs when she asked. She stated that she returned the drugs to the dealer and his brother, and that this gave her increased status. She told OPA that multiple individuals knew of her relationship with Named Employee #1, including her son's father and two retired SPD officers.

OPA interviewed the dealer and his brother, both of whom were incarcerated. The dealer did not recall a specific officer who was involved in a relationship with a young Black female in the mid-1990s, but stated that these relationships were common. He further stated that he did not remember an incident where he dropped drugs and those drugs were returned to him by a young Black female who had received them from an officer.

The brother recalled an incident where he ditched drugs when an officer was driving towards him in an alley. He recalled that a Black female was able to go up to the officer and recover the drugs, which he found strange. The female then returned the drugs to the brother. The brother did not know the name of the Black female or the officer, but recalled that the officer was Caucasian. The brother heard people talk about police officers who were involved in

relationships with females in the Central District. The two officers that the brother knew did this were Black. The brother did not know whether the Black female who returned the drugs to him was involved in such a relationship.

The male CI, who had no association to the female CI, also alleged criminal conduct on the part of Named Employee #1. The male CI recounted that he was told that Named Employee #1 was a dirty cop. On one occasion in either 1993 or 1994, when the male CI was a drug dealer operating in the Central District, Named Employee #1 pulled up to him in a vehicle. Named Employee #1, who was not wearing a uniform, flashed a badge, frisked the male CI, and took money and drugs from him. Named Employee #1 then pulled a gun from his sock, told the male CI it was a “throw away,” and Named Employee #1 said that he could kill him.

At his OPA interview, Named Employee #1 denied all of the allegations made by both the female and male CIs. With regard to the female CI, he denied being in a sexual relationship with her or any female in the Central District. He denied providing her with drugs, offering protection, or informing her when officers were about to make busts and preventing her from being arrested. With regard to the male CI, he denied stopping a drug dealer, taking money and drugs, and making a threat with a firearm. Named Employee #1 claimed that he did not wear an ankle holster or keep a gun in his sock.

OPA interviewed one of the retired SPD officers, who was identified as a possible witness by the female CI. He denied knowing that Named Employee #1 had a relationship with a Black female in the Central District and stated that he did not view Named Employee #1 act inappropriately towards females while acting as a law enforcement officer. OPA attempted to interview the other retired SPD officer without success.

Lastly, OPA investigated property records in Bremerton, but was not able to make any connection to the female CI. OPA further was unable to locate any documents connecting the female CI to Named Employee #1.

At the outset, the OPA Director noted that he was extremely troubled by these allegations. If true, they described a pattern of criminality by multiple law enforcement officers over a period of years. While there were some inconsistencies between the female CI's accounts (most notably the age at which the relationship started and whether Named Employee #1 regularly took drugs from dealers and gave them to her), several parts of her accounts were corroborated by other witnesses. It was also compelling that the male CI, who had no apparent connection to the female CI, also named Named Employee #1 as being engaged in criminal behavior.

This alleged conduct occurred over 30 years ago, and the statutes of limitation for any prosecutions have long since passed. Even if the statutes had not passed, the OPA Director thought it unlikely that a prosecutor would have brought charges. OPA's findings need not be supported by evidence beyond a reasonable doubt, but instead by a preponderance of the evidence. Even applying this lesser standard, however, the evidence, even though it raised significant questions, was not sufficient to conclusively prove this allegation. That being said,

the OPA Director could not and did not find that the alleged behavior did not occur. OPA simply could not meet the requisite standard of proof.

SPD Policy 1.029(III)(A) states that: “the public demands that the integrity and credibility of its police officers and civilian Police Department employees be above reproach. Individual employees’ action which give the appearance of conflict of interest, dishonesty, criminal activity, or permitting criminal activity, may impair public confidence in the employee or the Department.” SPD Policy 1.029(III)(B) further indicates that: “employees must avoid associations with persons both on and off-duty, which might reasonably be expected to compromise the integrity of themselves or of the Department.”

With regard to Named Employee #2, the male CI alleged that Named Employee #2 “would beat up guys.” Based on OPA’s understanding, the male CI did not provide any further information concerning this allegation to SPD detectives. It was unclear what, if any, investigation SPD conducted regarding this allegation. OPA was informed by SPD that the male CI refused to cooperate with OPA in its investigation and the male CI’s contact information was not provided to OPA.

When interviewed by OPA, Named Employee #2 denied that he used force that was unlawful or excessive during his career. He stated that the force he had used was reported consistent with Department policies and procedures. Lastly, Named Employee #2 told OPA that he did not engage in any actions consistent with what was alleged and that he did not violate the policies in question.

Without any further detail concerning the substance of this allegation, it was impossible to determine the nature and extent of what Named Employee #2 was claimed to have done. Given this and the dearth of evidence in the record, the OPA Director found that this allegation had not been proven by a preponderance of the evidence.

The female CI contended that when she was 13 or 14 years old, she was working as a prostitute in the Central District and was involved with a gang. She recounted that Named Employee #3 was a gang unit detective that worked out of a minivan. She stated that they had sex at least two times when she was a teenager. She recalled that Named Employee #3 once took her to a wrestling match. The female CI stated that she told one SPD officer about the relationship, but that she did not believe that any other officer knew about it. The female CI recalled that Named Employee #3 worked with a partner officer, but did not think that he was aware of their relationship because if he was he would have reported it.

The female CI’s account provided during her interview with SPD investigators was similar to that later provided to OPA. At her OPA interview, the female CI agreed to attempt to identify Named Employee #3 from a photomontage; however, she was unable to do so.

At his OPA interview, Named Employee #3 stated that he was referred to by a moniker when he was in the gang unit and that he worked with a partner officer at that time. Named Employee #3

denied engaging in a sexual relationship with a teenaged girl, and stated that there were no female gang members at that time. Named Employee #3 stated that he had helped people involved in gangs to find better opportunities, but that he did not become involved in improper associations with such individuals. Named Employee #3 lastly indicated that he did not engage in any criminal behavior during that time.

OPA attempted to interview a third retired SPD officer but was unable to do so.

As with the allegations against Named Employee #1, the statutes of limitation have passed for any criminal activity Named Employee #3 may have engaged in. Moreover, even were this not the case, a criminal prosecution would be very unlikely.

While the female CI's allegations regarding Named Employee #3 were very concerning, there was not sufficient evidence in the record to either conclusively establish or disprove them. It was possible that she knew Named Employee #3, as she identified the moniker he admitted to using at that time and who he worked with. She also recalled specific places that they allegedly had sex and activities that they engaged in together. However, she could not positively identify him in a photomontage.

In the face of Named Employee #3's denials of her claims and without more evidence, the female CI's allegation of an inappropriate and illegal sexual relationship could not be proven by a preponderance of the evidence. Again, as with the allegations against Named Employee #1, the OPA Director could not and did not find that the allegations against Named Employee #3 did not occur. He only concluded that OPA could not meet the requisite standard of proof.

SPD Policy 1.029(V)(A) states that: "employees shall be familiar with, abide by, and conform to all State and Federal laws, all laws and ordinances of the City of Seattle, and to Department rules and procedures."

FINDINGS

Named Employee #1

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Administration - Rules of Conduct: Police Officers*.

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 *Administration - Rules of Conduct: Employee Associations*.

Named Employee #2

Allegation #1

This allegation has not been proven by a preponderance of the evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Administration - Rules of Conduct: Police Officers*.

Allegation #2

This allegation has not been proven by a preponderance of the evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Administration - Rules of Conduct: Employee Associations*.

Named Employee #3

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Administration - Rules of Conduct: Police Officers*.

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 *Administration - Rules of Conduct: Employee Associations*.

Allegation #3

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Administration - Rules of Conduct: Obedience to Rules*.

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.