



## CLOSED CASE SUMMARY

ISSUED DATE:     AUGUST 16, 2018

CASE NUMBER:     2017OPA-1037

### 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 (Unfounded)
# 2	5.001 - Standards and Duties 12. Employees Shall Not Use Their Position or Authority for Personal Gain	Not Sustained (Unfounded)
# 3	5.001 - Standards and Duties 17. Employees Must Avoid Conflicts of Interest	Not Sustained (Unfounded)

***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:**

During an investigation into another matter, a witness reported to the Complainant that the Named Employee had a child with someone he may have met as part of his official duties. It was also alleged that, when the witness tried to tell the Named Employee that he had fathered her child, the Named Employee became "abusive." Lastly, it was alleged that the Named Employee threatened the witness with jail time if she did not engage in sexual acts with him.

**ADMINISTRATIVE NOTE:**

OPA learned of the alleged misconduct in this case on October 3, 2017, while investigating another matter (see 2017OPA-0362). Based on the fact that the purported misconduct at issue was potentially criminal in nature, OPA referred this matter to SPD’s Investigation Bureau on October 12, 2017 for criminal investigation. In that criminal referral, OPA requested that the investigation be completed by December 11, 2017, to allow OPA to meet its disciplinary deadlines. Given that the date the information underlying the complaint was received by OPA was October 3, OPA calculated the 180-day period as expiring on April 1, 2018. The criminal investigation was not completed, however, until June 20, 2018 – more than two months after that deadline passed. As such, even though none of the allegations herein would be recommended Sustained regardless, OPA was unable to meet the 180-day deadline in this matter due to circumstances outside of OPA’s control.

In addition, this case was designated as an Expedited Investigation. This means that OPA, with the OPA Auditor’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.



---

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

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

During an unrelated investigation into potential criminal misconduct of a SPD employee, the assigned investigator interviewed an inmate. That inmate – referred to here as the Complainant – told the investigator that, in the 1990s, SPD officers would not arrest females in exchange for sex. The Complainant stated that Named Employee #1 (NE#1) had engaged in a sexual relationship with a woman – the subject – which resulted in her becoming pregnant. In a subsequent interview, OPA learned that the Complainant had a child in common with the subject. The Complainant told OPA that the subject was involved with drugs and that NE#1 would pick her up, “threaten her with incarceration,” and then take the subject to the Rainier Beach area where he would engage in sexual activity with her. According to the Complainant, when the subject was in possession of narcotics, NE#1 would not take her to jail in exchange for sex. The Complainant stated that NE#1 engaged in all of these acts while on duty.

The Complainant stated that he had never seen the subject and NE#1 together, but that the subject had first informed him of what happened between her and NE#1 approximately eight to ten years ago, after her release from prison. The Complainant stated that he tried to convince the subject to report NE#1’s alleged conduct but she refused to. The subject purportedly told the Complainant that she and NE#1 had a child, who was presently around 13 years old. The Complainant asserted that he heard from the subject that when she tried to tell NE#1 that she was pregnant, he became abusive.

Based on these allegations, OPA referred this matter to SPD’s Investigations Bureau in order to conduct a criminal investigation. The assigned detective contacted the subject and spoke with her. The subject indicated that she had recently gotten NE#1’s phone number and had spoken with him. She agreed to meet the following day. The detective then received a phone call from NE#1. NE#1 stated that the subject had called him asking if the detective actually worked for SPD. NE#1 confirmed that he did. The detective asked NE#1 not to have any further contact with the subject and NE#1 agreed.

The detective and two other officers met with the subject at her home. While she was reluctant to speak at first, the detective reported that she laughed when she was told that the officers were looking into whether NE#1 had fathered her child. She stated that she knew NE#1 from when she was younger and when he was a Gangs Unit detective. The subject stated that she made up the rumor concerning NE#1 being the father of her child in order to prevent people from “messing” with her. She stated that NE#1 had treated her fairly and with respect, as well as that she believed that he was a good officer.

The detective also spoke with the Complainant. The Complainant relayed the same information to the detective as he did to OPA. He further indicated that his brother, who was also an inmate, and his mother would likely speak with the officers and had information. The detective called the Complainant’s mother. She stated that she recalled the subject stating that she was raped by a SPD officer but that she did not know whether this was true. She had no further information. The detective did not interview the Complainant’s brother.

The detective spoke to the Homicide Unit (the subject was a witness in an active case) and was informed that the subject had also told Homicide Unit personnel that NE#1 was the father of her child. The detective then spoke with



---

NE#1. NE#1 denied that he was the father of the subject's child and volunteered to take a blood test. NE#1 told the detective that the subject told stories about him in order to prevent people from messing with her. He stated that he had been questioned concerning this matter by a defense attorney and that he had no problem answering further questions.

The detective attempted to search birth records to determine whether the subject's child could be linked to NE#1, but could not do so without the birthdate of the child. The subject ultimately refused to provide that information to the detective and she told the detective to stop bothering her. Based on the subject's lack of further cooperation, the detective closed out the investigation as unfounded. This matter was referred back to OPA and OPA concluded its investigation. OPA also could not locate any evidence establishing that NE#1 was the father of the subject's child.

SPD Policy 5.001-POL-2 requires that employees comply with law, City policy, and Department policy. If the allegations against NE#1 were true, he would have acted in violation of numerous criminal laws and City and Department policies, including, but not limited to, SPD Policies 5.001-POL-12 and 5.001-POL-17. However, as discussed above, there is insufficient evidence to establish that NE#1 engaged in the alleged behavior. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #2**

***5.001 - Standards and Duties 12. Employees Shall Not Use Their Position or Authority for Personal Gain***

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

**Named Employee #1 - Allegation #3**

***5.001 - Standards and Duties 17. Employees Must Avoid Conflicts of Interest***

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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