



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 13, 2019

CASE NUMBER: 2019OPA-0135

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)

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 Complainant contacted SPD and reported that she observed graffiti suggesting that an unknown individual was raped by the Named Employee or his friends.

ADMINISTRATIVE NOTE:

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

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant contacted SPD and stated that she observed graffiti on the property of a Safeway grocery store suggesting that an unknown individual was raped by Named Employee #1 (NE#1) or his friends. The Complainant stated that she believed it unlikely that NE#1 was actually sexually assaulting an unknown individual; however, she asserted her belief that the allegation should be investigated regardless to determine whether it was true. The Complainant also expressed her overall concern about human trafficking and posited that it was possible that the victim was making an anonymous report. She acknowledged, however, that she had no specific knowledge to substantiate this belief.

Upon receipt of this complaint, OPA referred it for criminal investigation. The criminal investigation was assigned to an investigator in SPD’s Sexual Assault Unit. The investigator requested video from the Safeway, but none of the camera angles captured the area where the graffiti was written. The investigator also spoke to several people who were hanging out near the area of the graffiti. None of them recalled seeing the writing and all denied knowing anything about it. The investigator further spoke with NE#1 and his supervisor. NE#1 said that he had no idea who



would have written his name and the allegation of rape on the wall. In response to a question about whether he had arrested anyone who may have a reason to dislike him, NE#1 offered the name of one male. NE#1 noted that this male had made sexual comments to him in the past. The investigator reported that, from the video he reviewed, he did not find any evidence of that individual being present at the Safeway. NE#1's supervisor stated that he did not believe NE#1 or anyone else in his squad had been sexually assaulting, trafficking, or otherwise victimizing anyone. Citing the lack of a known victim and/or identifiable witnesses, the criminal investigation was closed and the case was returned to OPA.

Given the thoroughness of the criminal investigation and because the Complainant reported that she had no additional information to provide, OPA did not believe it necessary to interview her as part of this case. OPA also determined that it was unnecessary to interview NE#1.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

Based on OPA's review of the evidence, including the criminal investigation, I find that there is no support for a finding that NE#1 raped or otherwise abused anyone. OPA believes it to be more likely than not that the graffiti was the work of an individual who had a negative interaction with NE#1 in the past and thought that this would be a way of causing harm to NE#1's reputation. Given this and due to the absence of any known victim or witness, OPA finds that the allegation is baseless and recommends that this allegation be Not Sustained – Unfounded.

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