



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1272

Issued Date: 07/06/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 1003 (III.A.I) Standards & Duties: Knowledge of and Adherence to Laws (Policy that was issued 11/05/2007)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 1003 (VI.A.3) Standards & Duties: Integrity – Misuse of Authority (Policy that was issued 11/05/2007)
OPA Finding	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.100 (I.A) Employee Conduct: Operations Bureau Individual Responsibilities (Policy that was issued 08/19/2003)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was on duty in 2008.

COMPLAINT

The complainant alleged she was drugged and raped by an ex-employee (Named Employee). The complainant also alleges she had consensual sex with the Named Employee while the employee was on duty and that he sent her inappropriate photos of himself. OPA added the allegation that the Named Employee used his position as a SPD officer for the purpose of establishing a personal, sexual relationship with the complainant. The employee was terminated for a different reason prior to this complainant contacting OPA.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Search for and review of all relevant records and other evidence

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee drugged her with an unknown substance and then had non-consensual sex with her while she was unconscious. If this allegation were true, it would be Rape in the Second Degree. This alleged criminal act took place in 2008, seven years before the complainant reported it. Due to the delay in reporting the crime, no physical evidence was available, nor was it possible to identify any potential witnesses. The King County Prosecuting Attorney declined to file charges due to a lack of evidence and the complainant's reluctance to participate in the criminal prosecution. The Named Employee, who was no longer a SPD employee at the time the complainant came forward with these allegations, did not make himself available to OPA for an interview.

The complainant alleged that the Named Employee used his position as a police officer to promote a personal, romantic relationship with her. Based solely on the complainant's statement regarding their first meeting and how they came to begin a dating relationship, since the Named Employee did not make himself available for an OPA interview, the preponderance of the evidence supports the conclusion that their meeting was social and the Named Employee made no specific use of his position to gain access to the complainant or her personal information. In addition, by the complainant's own admission, with one notable exception (see allegation #1 above), all the contacts between the complainant and the Named Employee were consensual.

The complainant alleged that the Named Employee and she had consensual sex while the Named Employee was on duty and that he sent her sexually explicit photos of himself taken while he was on duty. The complainant was unable to offer any supporting evidence of these acts, nor was OPA able to locate any such evidence. The Named Employee did not respond to an OPA request for an interview. As a result, the investigation did not produce a preponderance of evidence to either prove or disprove this allegation.

FINDINGS

Named Employee #1

Allegation #1

The evidence could neither prove nor disprove the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards & Duties: Knowledge of and Adherence to Laws*.

Allegation #2

There was no evidence to prove the allegation occurred as the complainant alleged against the Named Employee. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards & Duties: Integrity – Misuse of Authority*.

Allegation #3

The evidence could neither prove nor disprove the allegation against the Named Employee. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employee Conduct: Operations Bureau Individual Responsibilities*.

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.