



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0152

Issued Date: 02/27/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy - King County Jurisdictional Incidents (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy - Pierce County Jurisdictional Incidents (Policy that was issued April 1, 2015)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The complainant made allegations that the Named Employee had sexually assaulted her over a period of approximately seven years when she was a juvenile. The complainant made the initial complaint to a school counselor, who reported the matter to Child Protective Services (CPS). In turn, CPS conducted an initial investigation and referred this matter to the Seattle Police Department (SPD). SPD also investigated this matter. The case was referred to the Pierce County Sheriff's Office (PCSO), given the jurisdiction of where the crimes had occurred. After the case was declined, OPA initiated an investigation.

COMPLAINT

The complainant alleged that the Named Employee sexually molested her over an approximate seven-year period.

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 prior IIS investigation
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

This was a very disturbing case on a number of levels. The complainant was a woman who was distraught and in pain. After her OPA interview, the complainant reported suicidal ideation to OPA and she was referred to mental health treatment. She later called OPA while in crisis. OPA asked for police units to respond to the scene and she was connected with mental health treatment and was driven home. She called OPA a third time and told the assigned investigator that she did not go to a scheduled mental health treatment session. At that time, she reported believing that she was in danger, that Named Employee #1 and the complainant's mother were working together to disrupt the complainant's life, and that Named Employee #1 was following and monitoring her, as well as potentially hacking her phone. The OPA investigator was able to convince her to re-seek treatment and, to the best of OPA's knowledge, the complainant was receiving ongoing care.

On one hand, after reviewing the complainant's statements, the OPA Director found her to be credible. If true, what she experienced was horrible and could easily have been the cause of her ongoing mental trauma. Her statements, given over a period of seven years, were virtually identical in what they alleged. Her claim that she recanted the allegations based not on their untruth but on a conversation with her mother was supported by her mother's statement. Moreover, there was no evidence of any collusion between the complainant and her mother. Indeed, from the text messages reviewed by OPA, their relationship appeared to be largely negative. Further, at the time of OPA's investigation, there was also no evidence of any ongoing custody proceeding and both the complainant and her mother denied knowledge of same.

On the other hand, the complainant's initial recanting of the abuse raised substantial questions. While this could certainly be explained by pressure from her mother, her mother's statements had their own inconsistencies. Moreover, the reasons the complainant gave to OPA in 2011 for why she might have made up the allegations were nearly identical to those suggested by Named Employee #1. Also undermining the complainant's account were the text messages that were sent largely by the complainant to Named Employee #1. These texts were friendly and in

pertinent part discussed the complainant's half-brothers and how much she missed them. In one text, the complainant sent Named Employee #1 a picture of a child, stating: "Lol I miss these days." The texts did not make any explicit reference to prior sexual assaults or misconduct on the part of Named Employee #1. In fact, they were, at times, critical of the complainant's mother. In one text, the complainant stated that her mother was at fault with the complainant's relationship with her half-brothers. In another text, the complainant stated that her mother was the reason for her thinking of "offing" herself in the past. The OPA Director also noted that while the texts referenced the complainant wanting to see her brothers, they did not discuss any ongoing custody proceedings. Lastly, there was simply no forensic or other corroborating evidence establishing that the abuse occurred.

For the above reasons, the OPA Director could not reach a conclusion by a preponderance of the evidence that Named Employee #1 sexually abused the complainant. While the burden was lower than that of the reasonable doubt standard applied by the prosecuting attorneys, the Director was faced by the same proof issues. By no means, however, should the finding be construed as crediting Named Employee #1's account or as concluding that the misconduct alleged by the complainant did not occur. The Director explicitly did not reach such a determination. However, based on the available evidence, he could not recommend that this case be sustained.

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 *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy - King County Jurisdictional Incidents*.

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 *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy - Pierce County Jurisdictional Incidents*.

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.