



CLOSED CASE SUMMARY

ISSUED DATE: MAY 17, 2018

CASE NUMBER: 2017OPA-1204

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 17. Employees Must Disclose Conflicts	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete In All Communication	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 alleged that officers surrounded her home without a warrant and refused to leave. The Complainant also alleged that the Named Employee issued the order to surround the house and that the Named Employee had a conflict of interest regarding the case in question. The Complainant lastly alleged that the Named Employee was dishonest with respect to the information provided in the search warrant and CPS referral.

STATEMENT OF FACTS:

At the time of the incident, Named Employee #1 (NE#1) was employed as a Detective in the Auto Theft Unit. She was assigned to investigate a stolen vehicle. A female was identified as possibly being the perpetrator. This female was contacted by NE#1. NE#1 determined that the female was a sex worker who had been given permission to use the vehicle and, thus, no crime had occurred. During this initial investigation, NE#1 further learned that the female (hereinafter referred to as the “victim”) had been subjected to domestic violence by an ex-boyfriend (hereinafter referred to as the “suspect”). The suspect also operated as the victim’s “pimp.”

In days following the incident, NE#1 remained in communication with the victim. This was complicated, however, by the fact that the suspect monitored the victim’s social media accounts and phone. Approximately 11 days after their initial interaction, the victim told NE#1 that she had been beaten by the suspect. NE#1 tried to get the victim to meet her or other officers and she was ultimately picked up by the other officers. When she was picked up, the victim was in possession of a handgun, which she claimed had been given to her by the suspect. The victim was transported to the North Precinct where the handgun was placed into safekeeping and a statement was taken from her. During that statement, which was memorialized in NE#1’s Case Investigation Report (CIR), the victim recounted numerous beatings of her by the suspect, as well as his threats to kill her. She affirmatively stated that she was afraid that the suspect would track her down and kill her. The victim also detailed that the suspect carried multiple firearms on his person, which was unlawful given his status as a felon. This statement was witnessed by a Sergeant who corroborated the information NE#1 recorded in her CIR. As a result of this statement and the bruising to the victim’s body (which was photographed), NE#1 developed probable cause to arrest the suspect.



Another officer drafted an affidavit for a search warrant based on the information contained in the CIR. The search warrant affidavit accurately stated the information relayed by the victim to NE#1. The warrant was signed by a King County Superior Court judge and was served on the Complainant's residence, where the suspect was believed to be staying. The suspect was arrested and, during the search of the home, two handguns were recovered. Those handguns were traced to prior shootings. The suspect was booked into King County Jail with \$100,000 bail.

The suspect was able to make bail and was released from jail. NE#1 learned about this from the victim's family and was gravely concerned for the victim's safety. NE#1 contacted the King County Prosecuting Attorney's Office, relayed her concerns to the assigned prosecutor, and the bail was increased to \$1,000,000. A new warrant was issued for the suspect's arrest. It was decided that the warrant would be served at one of the suspect's upcoming court appearances.

Prior to that court appearance, NE#1 was informed by the victim's mother that the suspect was streaming a live feed of himself from his car while parked outside of the courthouse. When she watched the live feed, NE#1 determined that the suspect was with his child. No one else appeared on the feed. As the suspect was imminently going to be arrested, NE#1 was concerned that there was no one available to take custody of his child. She accordingly notified CPS and asked them to stand by. When the arrest was effectuated, the Complainant was present and was able to take custody of the child. CPS ultimately did not respond to the courthouse.

The day after the arrest, NE#1 received a call from CPS asking whether the case could be closed out. NE#1 informed CPS that closing out the case was their decision, but she told CPS about the suspect's extensive criminal history and the current charges of promoting prostitution and domestic violence, as well as the fact that two handguns had been recovered from the home. CPS indicated that they would perform a home visit prior to closing their case.

Continued investigation into this matter revealed further criminal activity on the part of the suspect, including drug trafficking. Moreover, searches that were performed on his phone and social media accounts yielded that he had threatened to harm and kill both the victim and the Complainant.

Shortly after the suspect's arrest, the Complainant filed a complaint with OPA. She alleged that the warrant issued for the suspect, as well as the information provided to CPS by NE#1, were "falsehoods." As such, she contended that NE#1 engaged in dishonesty. The Complainant asserted that the execution of the search warrant, and particularly officers surrounding her home, was harassing. Lastly, the Complainant alleged that NE#1 had a conflict of interest based on a purported relationship between NE#1 and the victim's father.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 17. Employees Must Disclose Conflicts

SPD Policy 5.001-POL-18 requires that SPD employees disclose potential conflicts. The policy specifically states that: "Employees shall immediately disclose to the Chief of Police, via their supervisor, any activities or relationships that may present an actual, potential, or apparent conflict of interest for themselves or other Department employees."



The Complainant alleged that NE#1's actions in this case, which resulted in the execution of a search warrant on her home, the surrounding of her home by law enforcement, the arrest and re-arrest of the suspect, and a CPS notification, were motivated by a conflict of interest. Specifically, the Complainant alleged that NE#1 "is a relative or a really good friend of the alleged victims [sic] father...her account is biased and personal." Notably, the Complainant offered no evidence, aside from her conclusory statement, establishing this fact.

At her OPA interview, NE#1 denied having any personal relationship with the victim's family that would constitute a conflict of interest. When asked whether she knew the victim prior to this incident, NE#1 stated that she "never heard of her."

Further, OPA interviewed the victim's father. He denied that either he or any member of his family had any prior relationship with NE#1.

Ultimately, the evidence in the record is insufficient to prove that NE#1 knew or had a prior relationship with the victim or anyone in the victim's family, let alone that she engaged in a conflict of interest in this case. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete In All Communication

SPD Policy 5.001-POL-10 requires that SPD employees be truthful and complete in all communications.

The Complainant alleged that NE#1 was dishonest in her probable cause certification, as well as in the information she provided for the search warrant and to cause the suspect's bail to be increased.

As discussed more fully above, NE#1 conducted a comprehensive investigation in this case. The documentation she generated was thorough and complete and, most importantly, was accurate. From my review of the record, not only did NE#1 perform admirably in this instance, she went well beyond her assigned responsibilities to ensure the safety of the victim and that the suspect was taken into custody and prevented from engaging in further criminal behavior. I find no evidence that she was dishonest in any respect. As such, I recommend that this allegation be Not Sustained – Unfounded.

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