



## ***CLOSED CASE SUMMARY***

ISSUED DATE:     APRIL 30, 2020

CASE NUMBER:     2017OPA-0356

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

| Allegation(s): |   | Director's Findings       |
|----------------|---|---------------------------|
| # 1            | 15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence             | Not Sustained (Unfounded) |
| # 2            | 15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report | 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:**

Anonymous Complainants alleged that unknown SPD officers conspired together to cover-up a domestic violence disturbance that occurred at the former Mayor's home.

### **ADMINISTRATIVE NOTE:**

The allegations in this case were made against unknown SPD employees. Given this, the contractual 180-day timeline was inapplicable. For administrative purposes, OPA set the date of this DCM as the deadline.

### **SUMMARY OF INVESTIGATION:**

#### **A. Allegation of a Cover-Up and OPA Complaint**

In April of 2017, there were media reports of a potential cover-up of an alleged domestic violence (DV) dispute at the home of the then Mayor of Seattle. This allegedly occurred on Pride Weekend in 2016. These articles stemmed from a subpoena that was issued by lawyers who had sued the Mayor on behalf of a third party. The subpoena included screenshots of Department information systems improperly leaked to the lawyers by an "anonymous source." The leak of this information was investigated in another OPA case (2017OPA-0429). In the subpoena, the lawyers indicated that the anonymous source informed them that a shirtless man was on-scene when the officers arrived and that the officers asked the man to leave. The lawyers opined that this may have constituted a "conspiracy" to cover-up the incident by the Mayor, the Chief, numerous officers, and members of the Mayor's staff. OPA subsequently received two anonymous complaints concerning this matter and initiated an investigation.

#### **B. OPA Investigation**

##### **1. Incident and Police Response**

OPA determined that, on June 24, 2016, officers responded to a "suspicious person" call at the then-Mayor's residence. The officers were dispatched to that location based on requests by the former Chief of Police. The call



notes indicated that the following information was provided by the Chief: “Mayor called Chief, said needs police ASAP as unk [unknown] person was on his front door.” The call was updated to provide further information from the Chief: “The Mayor said Maggie is there now. Everything UC [under control]. Not to rush. Per Chief. Mayor sounded a little confused. She req d [requested] officers still chk [check] on him. She also adv d [advised] LT [Lieutenant].”

OPA reviewed the In-Car Video (ICV) that captured the officers’ response to the residence (Body Worn Video had not yet been rolled out to SPD officers). The ICV indicated that officers made contact with the Mayor at his front door. At that point, the Mayor indicated that the allegedly suspicious individuals had left the vicinity. The Mayor stated that he did not think they knew who he was. The officers offered to check the perimeter, but the Mayor stated that this was not necessary. The officers asked if the Mayor needed anything else and he stated that he did not. The officers then ended their contact with the Mayor and walked back to their patrol vehicles. The ICV continued to record the officers speaking in the vicinity of their patrol vehicles. The officers spoke about the Mayor calling the Chief. One of those officers – referred to here as Witness Officer (“WO”) #1 – stated: “This is not one of those calls we need to be quiet about, okay, you don’t have to broadcast the address but...” The officers also discussed the Mayor not wanting them to search the perimeter. The officers collectively decided that they did not need to write a report given the circumstances. They then left the scene. The ICV conclusively established that there was no basis in fact for the assertion in the subpoena that a shirtless man was in the vicinity of the residence and was asked to leave by officers.

OPA searched for records of all law enforcement responses to the Mayor’s residence. Based OPA’s analysis, there were only two other incidents that required responses. In one, officers monitored demonstrations that occurred in front of the Mayor’s residence. In the other, the Mayor found a backpack which he turned over to officers. There was documentation of other occasions in which officers conducted directed patrols in the vicinity of the Mayor’s residence. OPA could find no evidence of law enforcement responses that were not documented or that were documented but then removed from Department databases.

## **2. OPA Interviews**

As part of its investigation, OPA interviewed the Mayor, the Mayor’s husband, the Chief, the on-scene sergeant, three witness officers, and four detectives assigned to the Mayor’s security detail. OPA also attempted to interview the lawyer who submitted the subpoena that prompted this investigation. However, she did not respond to OPA and was, accordingly, not interviewed.

### **i. Former Mayor**

The Mayor explained that he did not have 24-hour security at his home. He said that he would be dropped off in the evening by a two-member security detail assigned to him by SPD and that they would not remain in the vicinity. Another two-member team would pick him up in the morning. He explained that, given this, he was encouraged by the Chief to call her directly to the extent any potential concerns for his safety arose when he was not with his security detail.

The Mayor recalled that, on the evening in question, he had been attending Pride Weekend events with several other individuals. His husband was not with him because the husband was caring for his terminally ill mother. The Mayor and the others with him returned to the Mayor’s residence. While there, someone knocked on the door. The husband answered the door and saw two individuals, a man and a woman. The husband began to let the individuals



inside when the Mayor told him not to do so. Because of the individuals' reaction he made the decision to call the Chief. He again stated that this was consistent with her direction to him to call her or his security detail in such circumstances.

The Mayor stated that patrol officers responded shortly thereafter. He told them that everything was fine at that time. He stated that no one left any clothes or property in his residence and that the officers did not enter the residence to retrieve any items. He noted that there was no need for the officers to enter his residence as the individuals were gone and any threat to his safety had "dissipated."

The Mayor denied engaging in a DV disturbance with the husband that night or on any other occasion during their 27-year relationship. He noted that there were several witnesses who attested to this in written statements. He asserted that the allegations of a cover-up were without any basis in fact. He stated that the allegations were further hurtful and homophobic.

## **ii. Former Mayor's Husband**

The husband provided a similar account to the Mayor. He stated that he remained home because he was caring for his ailing mother. He recalled that the Mayor and other companions then returned to the home. He said someone knocked on the door and when he opened it, he saw a man and a woman. They told him that their car had broken down and they asked him if they could use the bathroom. He initially said that they could and began to let them in. Another guest told the husband that this was not a good idea. The guest led the man and woman outside and spoke with them there. The guest declined to allow them inside to use the bathroom.

The husband stated that the Mayor was concerned by this and called the Chief. The Mayor let the Chief know that something suspicious could be happening. Officers came to the residence, but the husband did not speak with them. He stated that the officers did not enter the home.

The husband denied that there was a cover-up or any DV disturbance. He pointed to the multiple witnesses who were present and who could attest to that. He further explained that he could not have come home and found the Mayor with someone else, as he was home the entire time and did not leave.

## **iii. Former Chief of Police**

The Chief confirmed that she told the Mayor to call her if he had concerns, including for his safety. This was similar to what she had told other local and state elected officials. She spoke to the Mayor often. She also frequently spoke to those other elected officials.

She recalled speaking to the Mayor on the evening in question. She said that he reported someone who was at the door and that he characterized that individual as being "obnoxious." She asked if he was being threatened and advised him to close his door. She told the Mayor that she would direct officers to go to the residence.

The Chief relayed this information to central dispatch, which she described as not being out of the ordinary. She further gave the precinct watch lieutenant a heads up. She spoke to the Mayor again and he told her that "Maggie"



was there and that everything was fine. The Chief indicated that the officers would still come by to make sure that everything was okay.

The Chief stated that the incident lasted 5-10 minutes and that she did not hear anything else until the media coverage. She explained that this incident was routine and not dissimilar to multiple other interactions she had with other government officials. The Chief noted that Seattle was unlike East Coast cities in that it did not provide 24-hour security for the Mayor. In her mind, this made it even more important to err on the side of caution and to have officers respond to the Mayor's residence. The Chief denied any cover-up or inappropriate conduct by SPD personnel.

**iv. On-Scene Sergeant**

The Sergeant recalled responding to the Mayor's residence. He did not see the disruptive individual in the vicinity or in the near vicinity. He did not hear the conversation between the officers and the Mayor, but what was said was later relayed to him. The Sergeant believed that the Mayor's husband was present with him at the residence and denied that there was a DV disturbance there that evening. The Sergeant recalled that the Mayor did not want them to come into the home to search it. The Sergeant said that this was not typical but recognized that the homeowner ultimately had the right to decide whether or not to allow officers inside. The Sergeant stated that there was no direction to him and the officers to not write a report. He was unaware of any other detectives or officers that may have responded to the Mayor's residence at any other point during that evening. He did not see the Mayor's security detail at the residence.

The Sergeant noted that he had responded to the Mayor's residence before and that he had done so at the request of his captain. He had no knowledge of any officers ever responding to a DV call at the Mayor's residence.

**v. Witness Officer #1**

WO#1 was interviewed twice by OPA. During his first OPA interview, he stated that he recalled responding to the Mayor's home. He said that the response was quick. He did not remember seeing anyone who was not supposed to be there. He was not directed to write a report concerning this incident or told not to do so. WO#1 was familiar with the media coverage. He denied knowledge of any officer ever responding to a DV incident at the Mayor's residence. He further denied knowledge of any officer ever being told not to document a response to the Mayor residence or, for that matter, any other incident. Lastly, he denied being requested to turn off his ICV. He further noted that, even had he received this direction, he would not have done so.

At his follow-up interview, WO#1 was asked about his statements that were captured on ICV. He admitted that he was being a "smart ass" and there were not calls that he would "be quiet about." He again said that he was never instructed to not document a response to the Mayor's residence. He explained that he would not have engaged in a cover up for the Mayor or for anyone else. He candidly stated that the relationship between SPD officers and the Mayor was "not a hundred percent" and said that he found the assertion that any officer would cover an incident up for the Mayor to be "laughable."



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**vi. Witness Officer #2**

WO#2 recalled being dispatched to the call at the Mayor's residence. He stated that he made contact with the Mayor at his front door. He spoke with the Mayor, who told him that the disruptive individual had left, and no further assistance was needed. WO#2 stated that the Mayor declined the officers' requests to check his home and yard for intruders. At that point, WO#2 and the other officers ended the contact and walked away. WO#2 did not see any potential intruders from his vantage point and did not see a shirtless male.

WO#2 stated that no report was written concerning this incident because none was necessary as there was nothing to document. WO#2 denied that he was ever directed to not write a report or that he was told to turn off his ICV. WO#2 had no knowledge of any officers responding to the Mayor's residence to investigate DV crimes.

**vii. Witness Officer #3**

WO#3 responded to the Mayor's residence with WO#1. She did not approach the residence and remained on the sidewalk. WO#3 saw no evidence of a DV disturbance. She denied that she was instructed not to document their response to the Mayor's residence. She stated that no paperwork was completed but that this was appropriate under the circumstances given that no law enforcement action was actually taken. She further denied that she was told to turn off her ICV.

WO#3 knew of no other incidents where officers had responded to DV disturbances at the Mayor's residence. She further knew of no instances where officers were directed not to document responses to the Mayor's residence.

**viii. Detective #1**

Detective #1 was the lead for the Mayor's security detail. He explained that the detail did not provide 24/7 security for the Mayor. The detail was comprised of two teams that worked 8-hour shifts. The team that worked the evening shift would drive the Mayor home and would then remain on-call for the rest of the evening. The team would not remain at the Mayor's residence.

Detective #1 said that he and other members of the detail were not called by the Mayor or asked to go to the Mayor's residence. Detective #1 denied that there were any DV disturbances between the Mayor and the husband and stated that he never saw any evidence of such occurrences. He confirmed that neither he nor the other members of the detail had ever been directed not to write a report concerning law enforcement action taken with regard to the Mayor.

**ix. Detective #2, Detective #3, and Detective #4**

The other three members of the detail – Detective #2, Detective #3, and Detective #4 – provided similar information to that relayed by Detective #1. All three denied first-hand knowledge of the incident and confirmed that they were not called to the Mayor's residence. All three also denied ever being aware of DV issues between the Mayor and the husband. Lastly, all stated that they had never been directed to not write a report and had not heard of calls for service being removed from Department databases.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegations #1**

***15.180 - Primary Investigations 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

SPD Policy 15.180-POL-1 instructs officers to conduct primary investigations into potential criminal activity. As part of those investigations, officers are mandated to conduct a thorough and complete search for evidence. In addition, under SPD Policy 15.180-POL-5, such investigations must be documented on a General Offense Report, and those reports are required to be thorough, complete, and accurate.

As discussed above, the complainants, apparently relying on the anonymously sourced information contained in the subpoena, alleged that officers conspired to not fully investigate a DV incident at the Mayor's residence and to not document that purported incident. If true, this would constitute a violation of SPD Policies 15.180-POL-1 and 15.180-POL-5.

However, OPA's investigation yields the conclusion that the information in the subpoena was nothing more than unsubstantiated and untrue rumor and innuendo. The ICV of this incident, as well as the credible accounts provided by all of the involved witnesses, indicates that officers found no indication of any DV disturbance at the Mayor's residence and that no report was written because no law enforcement action was taken. OPA concludes that the on-scene investigation conducted by the officers was sufficient and that their decision to not write a report was consistent with policy. Ultimately, OPA finds that the allegation that a cover-up occurred is meritless.

For these reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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

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

***15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report***

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

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