



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2020

CASE NUMBER: 2017OPA-0839

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 alleged that unknown SPD employees patronized sex workers and consumed illegal drugs in and around the Aurora corridor. She also alleged that an unknown SPD employee was paying her neighbor for sex.

ADMINISTRATIVE NOTE:

Because this case concerns an unknown SPD employee, the 180-day timeline imposed by the collective bargaining agreements between the City and the police officer unions are inapplicable. As such, OPA administratively set the 180-day deadline for this case as the date of this DCM.

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, who stated that she knew women who engaged in sex work on Aurora Avenue, alleged to OPA in the course of another investigation (see 2017OPA-0362) that she knew of SPD employees who frequented strip clubs and then patronized strip club employees for sex. She stated that her cousin, who works as an adult entertainer and sex worker in one of these clubs, knew of an officer who was "good to her," but abused other woman engaged in sex work. She also alleged that her former neighbor told her that an unknown SPD officer who worked in the Downtown bus tunnel once paid her for sex. Because these allegations concerned criminal conduct, OPA referred them to SPD for criminal investigation.

The criminal investigation revealed that the Complainant's allegations concerning an SPD officer who visited strip clubs and paid women for sex concerned an SPD employee who had already been terminated from the Department for that conduct. In her interview with SPD criminal investigators, the Complainant stated that her allegations concerned only that officer, and that she did not have any additional information regarding violations of law by other unidentified SPD employees. She also stated that her cousin, who had apparent firsthand knowledge of the allegations, would not be comfortable speaking to SPD or OPA. Ultimately, SPD declined to refer the allegations for criminal charges. Because no SPD employees are assigned to patrol the downtown bus tunnel, the second allegation



(regarding an officer paying the Complainant's neighbor for sex) was referred to the King County Sheriff's Office for investigation. Based on the information in the complaint, the King County Sheriff's Office declined to investigate.

OPA conducted its own investigation into the complaint. In her OPA interview, the Complainant confirmed that the only specific knowledge she had of violations of law by SPD employees was based on information told to her by her cousin, and that the officer in question had already been arrested. She stated that she had no firsthand knowledge of other SPD employees soliciting sex or using drugs, but that based on her own experience from 20-30 years ago (see 2017OPA-0362), she believed that there would always be some officers who engaged in such conduct.

In June 2018 the OPA Auditor requested that OPA attempt to interview the cousin. The Complainant provided her cousin's first name and place of employment on north Aurora Avenue. Based on this information, OPA attempted to identify the cousin by searching arrest records, as well as SPD calls and records associated with the club where the cousin was alleged to work. Arrest records revealed four individuals with a version of the cousin's name, but none who had been arrested on or around north Aurora Avenue. No SPD records associated with the club where the cousin allegedly worked matched the cousin's name as provided to OPA. Based on the totality of the circumstances, OPA ultimately determined that making further affirmative efforts to contact the cousin was inadvisable and could potentially place the cousin at risk, given the conditions of her employment.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If it was determined that SPD employees were patronizing and exploiting sex workers, this would violate state law as well as SPD policy.

However, during the course of its investigation, OPA found insufficient evidence to suggest continuing unlawful behavior by unknown SPD employees. While the Complainant did provide accurate information about an SPD employee who engaged in violations of law, investigation of that claim determined that it concerned an employee who had already been investigated and terminated for his conduct. Upon further interviews with the Complainant, she stated that the only direct evidence provided to her by her cousin related to that individual. Because the Complainant stated that all of her other allegations were based on things she had been told by others, as well as her abiding belief that officers would "always" exploit vulnerable women in circumstances similar to this, OPA lacked sufficient evidence to indicate that SPD employees other than the one already disciplined engaged in the conduct complained of here.

OPA also determined that there was insufficient evidence to show that an unknown employee was exploiting the Complainant's former neighbor for sex. OPA arrived at this determination based on the statement—traceable to the neighbor and relayed through the Complainant—that this individual was assigned to the Downtown bus tunnel, a location patrolled by the King County Sheriff's Office rather than SPD. In addition, the Complainant stated that she had not herself observed any facts tending to show the truth of her assertion. While OPA cannot eliminate the possibility that an SPD employee paid the neighbor for sex, it finds that the preponderance of the evidence suggests otherwise. As such, OPA recommends that this allegation be Not Sustained – Unfounded as against the unknown employee.

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