



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 28, 2020

CASE NUMBER: 2019OPA-0638

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 claimed that the Named Employee engaged in various misconduct when he called her and interviewed her regarding her alleged statements of suicidality.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

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 sent OPA an email in which she set forth allegations of misconduct against Named Employee #1 (NE#1). She wrote to OPA that NE#1, based on a request from a former SPD chief, called her to check on her welfare. She reported that, during that conversation, NE#1 did not read her Miranda warnings and implied that he would involuntarily detain her if she did not provide a statement to him. She documented that NE#1 grew upset at her during that conversation.

After receipt of her complaint, OPA contacted the Complainant and she provided a recorded interview. She reiterated the complaints from her written submission. She further stated that she thought it was a conflict of interest for NE#1 to contact her based on information provided from the former SPD chief, who NE#1 knew. She also asserted that she felt coerced during her interview with NE#1.

As part of its investigation, OPA reviewed the General Offense Report completed by NE#1 regarding his interaction with the Complainant. In that report, NE#1 documented that there were 32 different police reports involving the Complainant in Seattle and King County law enforcement databases. A number of these reports concerning the Complainant's suicidality. NE#1 also documented a text that the Complainant sent to the former SPD chief. In that text, which NE#1 documented in the report, the Complainant purportedly wrote: "I get how people become

terrorists now. I understand why people kill police now.” The Complainant also allegedly wrote: “You know how fucked SPD is. It’s the largest gang in the city. And no one can police the police. I would like for them to kill me. In a lot of ways they already have.” NE#1 reported that, given the substance of this text, he contacted the Complainant in order to explore her statement regarding police officers killing her. NE#1 documented that he conducted a recorded interview of the Complainant. The Complainant did not recall sending the text to the former SPD chief. She told NE#1 that she was not intending to harm herself. NE#1 wrote that she was not interested in discussing the text but instead was concerned with SPD investigations into previous cases involving her. NE#1 lastly spoke to the former SPD chief who confirmed receiving the text from the Complainant and reiterated his concern for the Complainant’s health and safety.

OPA additionally listened to the recording of the interview NE#1 conducted of the Complainant. Based on OPA’s review, there was no evidence that NE#1 engaged in coercive questioning or conduct. During the interview, NE#1 asked about the text. The Complainant stated that she did not recall sending the text but that, in any event, she did not want to harm herself. She said that she did not want the police to kill her. The Complainant discussed the medical and mental health treatment that she was receiving. The Complainant questioned why she was being interviewed and why the interview was being recorded. NE#1 explained that SPD frequently spoke to people who they believed could be a danger to themselves. The Complainant ended the interview by stating that she felt mistreated by both NE#1 and SPD and that the recorded interview was another example of that.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Given the varied allegations made by the Complainant this policy was classified for investigation in this case given its broad scope.

OPA’s review of the totality of the record yields the conclusion that the entirety of the Complainant’s allegations against NE#1 are unsupported by the evidence. First, there is no evidence indicating that the Complainant’s interview was coerced by NE#1 or that he was rude or harassing during that interview. Second, NE#1 was not required to read Miranda warnings to the Complainant as she was not subject to a custodial interrogation at the time. Third, it was not a conflict of interest for NE#1 to call the Complainant in response to information provided by the former SPD chief. Indeed, this happens frequently, and SPD follows up on information provided by a variety of sources under similar circumstances. Fourth, and last, there is no indication from the recording that NE#1 threatened to involuntarily detain the Complainant or that he ever grew angry at her.

Given the above and due to the lack of evidence establishing that NE#1 violated any Department policies during this incident, OPA recommends that this allegation be Not Sustained – Unfounded.

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