



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 9, 2020

CASE NUMBER: 2019OPA-0775

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 the Named Employee stole drugs and other property from the Complainant, and then used the drugs to pay confidential informants.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were 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

During its investigation into another case (2019OPA-0745), OPA determined that the Complainant alleged criminal behavior on the part of Named Employee #1 (NE#1). Specifically, the Complainant asserted that NE#1 stole drugs and other property from him, as well as that NE#1 used the drugs to pay confidential informants.

As part of its investigation, OPA reviewed the documentation for each of the incidents involving NE#1 and the Complainant. OPA further reviewed the Body Worn Video (BWV) for those incidents. OPA found no evidence supporting the Complainant's allegations. However, given the nature of these claims, OPA sent this matter back to SPD for criminal investigation.

During the criminal investigation, SPD determined that the Complainant had been arrested approximately 11 times. Of those arrests, seven were effectuated by NE#1, one by other SPD officers, one by another law enforcement agency, and two by DOC. With regard to the arrests made by NE#1, another officer was present during each occasion. Moreover, the criminal investigator noted that, based on a review of the BWV from those incidents, there was no evidence that the Complainant ever possessed substantial amounts of money during his arrests. Specifically, the most money he ever had on his person was \$37. The criminal investigator found no evidence that NE#1 ever



misappropriated any of the Complainant's money. Moreover, and again based on the BWV, the criminal investigator found no indication that NE#1 ever stole drugs or other property belonging to the Complainant or, for that matter, that NE#1 then paid confidential informants with drugs. Given the results of the investigation, the criminal investigator deemed the Complainant's allegations to be unfounded. The King County Prosecuting Attorney's Office agreed and declined to file charges.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If NE#1 engaged in the conduct alleged by the Complainant, it would constitute a violation of law. However, as discussed above, the administrative and criminal investigations into these allegations conclusively established that this did not occur. There is no indication that NE#1 stole any narcotics or property from the Complainant or, for that matter, that he used those narcotics to pay confidential informants.

Given the above, OPA deems the Complainant's allegations to be wholly unsubstantiated and, as such, recommends that this allegation be Not Sustained – Unfounded.

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