



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 24, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-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)
# 2	5.001 – Standards and Duties 10. Employees Shall Strive to be Professional	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:

It was alleged that the Named Employee may have acted contrary to law and may have engaged in unprofessional conduct.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

This is one of a number of cases involving two SPD employees. One of these individuals worked for SPD until she was terminated based on sustained misconduct, including dishonesty. The other is Named Employee #1 (NE#1).

For a period of time, the former SPD employee was involved in a relationship with NE#1's current husband. The former SPD officer and NE#1's husband share children in common and, after their relationship ended, had joint custody. NE#1 also had children from a prior relationship. When NE#1's husband had custody, the children lived with him, NE#1, and NE#1's children. It came to light that one of the former SPD officer's children may have been subjected to inappropriate sexual contact by one of NE#1's children. Both children were minors at the time. This resulted in a CPS allegation, orders of protection, and ongoing litigation. In addition, it formed the factual basis for multiple OPA investigations filed by these individuals (and NE#1's husband) against each other.

Prior to the termination of her employment, the former SPD officer was entitled to a due process meeting at which she had the right to address the recommended sustained findings and the proposed discipline. At that hearing, she



disclosed documentation from CPS. This documentation indicated that CPS found that NE#1 violated WAC 388-15-009 due to her responsibility for the negligent treatment or maltreatment of a child in her care.

After receiving that information, OPA opened an investigation into NE#1 as, if true, the CPS finding established that she had engaged in a violation of law and unprofessional behavior.

As part of its investigation, OPA interviewed NE#1. She provided OPA with additional documentation indicating that the initial “founded” determination by CPS was later changed to “unfounded.” The CPS investigation was accordingly closed. NE#1 stated that, given this, she did not believe that she violated any SPD policies. She further asserted her suspicion that this complaint was part of an ongoing pattern of harassment by the former SPD employee.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Included under the ambit of this policy would be violations of the WAC and findings of culpability by CPS. In addition, SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.)

As CPS changed its finding to unfounded, there is no evidence establishing that NE#1 violated the law or engaged in unprofessional conduct. Accordingly, OPA recommends that this allegation and Allegation #2 be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 – Standards and Duties 10. Employees Shall Strive to be Professional

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)**