



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 6, 2021

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0072

Allegations of Misconduct & Director's Findings

Named Employee #1

| Allegation(s): | | Director's Findings |
|----------------|--|---------------------------|
| # 1 | 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:

The Complainant alleged that the Named Employee improperly used law enforcement databases to access information about the Complainant and her husband.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that Named Employee #1 (NE#1) looked her and her husband up using Department databases for personal, non-law enforcement reasons. The Complainant said that NE#1 is best friends with her husband's ex-wife and accessed the database to provide information to the ex-wife. The Complainant pointed to a statement made by her stepdaughter, which she recorded on video. The video was provided to OPA by the Complainant.

Based on the nature of the allegation, OPA sent the case for criminal investigation. This criminal investigation yielded the conclusion that NE#1 did not conduct any ACCESS/WACIC searches for the Complainant or her husband. As no criminal conduct was at issue, the case was referred back to OPA.

OPA assessed whether NE#1 had access to any other databases that she used to search for information about the Complainant. OPA found no evidence that this was the case. OPA specifically queried whether NE#1 used the LinX database and OPA concluded that she did not and that she had no access to that database.

OPA watched the video provided by the Complainant. The video showed that the Complainant and her husband asking the stepdaughter questions. The stepdaughter said that she heard her mother speaking to someone about Facebook posts. The stepdaughter asserted her belief that her mother was talking to NE#1. From OPA's review of the video,



there was no evidence of the stepdaughter saying that her mother had access to law enforcement records that were provided to her by NE#1 or that was otherwise publicly available.

OPA further interviewed the Complainant, the ex-wife, and NE#1. The Complainant, pointing to the video and conversations that she had with her stepdaughter, again asserted that NE#1 improperly provided information to the ex-wife and that this was information that NE#1 only had access to as a function of her law enforcement role. The Complainant did not state what this specific information was or say that she ever reviewed or saw this information.

The ex-wife denied that NE#1 accessed any information concerning the Complainant or the husband on the ex-wife's behalf. The ex-wife said that the Complainant fabricated information about NE#1 and this was consistent with other similar behavior engaged in by the Complainant. The ex-wife stated that she filed a report with the Bonney Lake Police Department concerning harassing behavior engaged in by the Complainant and that she sought an anti-harassment order against her. Those proceedings were pending at the time of the ex-wife's OPA interview.

NE#1 denied ever searching for the Complainant or the husband in any database. She said that, while the ex-wife was her best friend, she communicated to the ex-wife that she wanted no involvement in the underlying issues. She did listen to the ex-wife's concerns but took no action on her behalf. NE#1 also said that the ex-wife never asked her to do anything on her behalf. NE#1 notified the ex-wife of the pending OPA investigation and told the ex-wife that she might be contacted by OPA.

Lastly, OPA confirmed that there were ongoing proceedings between the Complainant and the ex-wife. The proceedings centered around cyber-stalking and harassment allegations brought by the ex-wife against the Complainant and the husband. These allegations were criminally investigated by the Bonney Lake Police Department, who listed the ex-wife as the victim and the Complainant and her husband as the suspects.

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 discussed above, the Complainant alleged that NE#1 looked her and her husband up using Department databases and for personal, non-law enforcement reasons. If true, this would constitute unprofessional conduct on NE#1's part.

OPA's investigation yielded no evidence supporting the Complainant's allegations. OPA was able to definitively establish that NE#1 did not use ACCESS/WACIC, LinX, or any other database to look up the Complainant or the husband. In addition, and as discussed above, the sole evidence presented by the Complainant – the video – did not prove that NE#1 improperly accessed information concerning the Complainant or the husband. Given this and in light of the strong evidence to the contrary, OPA recommends that this allegation be Not Sustained – Unfounded.

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