



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 7, 2022

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0150

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 Will Strive to be Professional	Not Sustained (Unfounded)

Named Employee #2

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 Will 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 Named Employee #1 and unknown SPD employees may have violated the law and engaged in unprofessional behavior.

SUMMARY OF INVESTIGATION:

The Subject was arrested after shoving a flaming torch into a patrol vehicle, lighting the patrol vehicle on fire, and injuring an officer. The officer shot his firearm at the Subject, which later caused an investigation to be commenced by SPD's Force Investigation Team (FIT). During his FIT interview, the Subject made allegations of misconduct to detectives.

While being questioned about the incident that led up to the shooting, the Subject interjected and began discussing what was happening at "Mike's house." The detectives expressed confusion and asked the Subject to focus on the incident. He again mentioned "Mike's house" and said that an officer – referring to that officer by last name – "goes there and frequents prostitutes." The Subject said that other officers also did so, but did not identify those officers by name. The Subject continued: "I saw him there right before he arrested me last year. I didn't recognize him as [an] officer, as being a police officer yet, but [the officer] is in on it..." The Subject further stated about the officers: "They do more prostitutes and they frequent them. And guess what? They help these guys get away with breaking them



down.” During a later interview by the Homicide Unit, the Subject described “Mike’s house” as being at Northgate near a KinderCare. He said that there was a shed at “Mike’s house” where men raped prostitutes.

OPA identified the only officer with the same last name as referenced by the Subject who was employed at the North Precinct. OPA added that officer to this case as Named Employee #1 (NE#1). OPA further reviewed records concerning the Subject’s past arrests. None of them involved NE#1 or referenced him.

Despite this, OPA referred the Subject’s allegations for criminal investigation. The criminal investigator tried to speak with the Subject via his criminal defense attorney on several occasions. The Subject was being held at Western State Hospital at that time. Ultimately, the criminal investigator was unable to get permission to speak with the Subject and returned the case to OPA.

OPA also tried to interview the Subject through his attorney and was able to schedule an interview at the correctional facility where the Subject was housed. However, prior to the interview commencing, the Subject told the OPA investigator that he did not want to participate because he was scared. OPA was thus unable to ask any him substantive questions concerning his allegations.

OPA conducted an interview of NE#1. He said that he had no knowledge of the Subject and that, as far as he was aware, he had never interacted with or arrested the Subject. He denied frequenting prostitutes on Aurora Avenue or having any involvement in the allegations made by the Subject.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

If NE#1 frequented prostitutes as alleged by the Subject, it would constitute a violation of both SPD Policy 5.001-POL-2 and SPD Policy 5.001-POL-10. However, OPA finds insufficient evidence to determine that this was the case.

From a review of Department records, NE#1 had no prior involvement with the Subject and did not arrest him, which calls the Subject’s claims into question. Moreover, the Subject provided no evidence proving that NE#1 was involved except for unsupported allegations and then declined to participate in an interview with OPA. NE#1, on the other hand, provided a statement denying the allegations.

When applying the requisite burden of proof, OPA recommends that this allegation and Allegation #2 be Not Sustained – Unfounded as against NE#1.

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

Named Employee #1 - Allegation #2

5.001 – Standards and Duties 10. Employees Will 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)**

Named Employee #2 - Allegation #1

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

As with the allegations against NE#1, there is insufficient evidence in the record to believe that unknown SPD officers frequented prostitutes on Aurora Avenue. Accordingly, OPA recommends that this allegation and Allegation #2, below, be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #2

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

For the same reasons as stated above (see Named Employee #2 – Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

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