



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2016OPA-0524

Issued Date: 01/23/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (III)(A) Standards & Duties: Knowledge of and Adherence to Laws and Department Policy and Procedures (Policy that was issued January 9, 2009)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

OPA received a complaint that was forwarded from the Communications Section.

COMPLAINT

The complainant alleged that Named Employee #1, a former employee of the Department who was terminated from the employment of SPD, physically assaulted her in 2009.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of criminal investigation documents
4. OPA Interview

ANALYSIS AND CONCLUSION

In May 2016, the complainant called 911 to report that a former SPD employee (who had been terminated from the employment of the Department) had physically assaulted her in 2009. The complainant asked to speak to someone who was working on the investigation into this officer's conduct, but did not want to "deal with any of his friends." The complainant was ultimately referred to OPA.

In June 2016, OPA contacted the complainant. The complainant provided a recorded statement in which she indicated that she had been involved in an ongoing relationship with Named Employee #1. In May 2009, Named Employee #1 entered her locked home when uninvited and they engaged in an argument. During this argument, Named Employee #1 hit her once with sufficient force to cause her to be pushed back. The complainant did not notify police of either the break-in or the assault. The complainant had three later interactions with Named Employee #1 (two in-person exchanges and one email Named Employee #1 sent her that she did not respond to), none of which resulted in further assaults. The complainant told OPA that she was concerned about her own safety and the safety of her family. The complainant also noted her suspicion that Named Employee #1 was involved in the murders of two women that occurred in 2006 in Snohomish County.

During its evaluation of this case, OPA reviewed a criminal investigation conducted by SPD into the complainant's allegations. SPD's criminal investigation resulted in the referral of the case to the King County Prosecuting Attorney's Office (KCPAO). The KCPAO declined prosecution of the case. The stated reason for the decline decision was the fact that the case had been referred to the KCPAO past the three-year statute of limitations governing the allegations.

OPA also conferred with the Snohomish County Sheriff's Office concerning the complainant's allegation that Named Employee #1 was possibly involved in two homicides. OPA was informed that Named Employee #1 was not under investigation in relation to these cases and that his name was not raised as a potential suspect.

SPD Policy 5.001(III)(A) requires that: "Employees shall be knowledgeable of and obey Federal and State laws, and the laws and ordinances of the City of Seattle. Employees shall be fully informed of the contents of the law relating to their decisions or enforcement actions by attending Department training and reviewing information provided by the Department." The OPA Director noted that this was the version of this policy that was in force on 2009, as that was when the alleged conduct by Named Employee #1 occurred.

Based on the OPA Director's review of the evidence, he found the complainant's account to be compelling and credible. Given the complainant's articulated fear of Named Employee #1, the OPA Director could understand the delay of years in the complainant's reporting of these allegations. However, this incident occurred in 2009. Aside from the complainant's compelling account, there was no evidence, forensic or otherwise, in the record corroborating the allegations. For this reason, it could not be found by a preponderance of the evidence that

Named Employee #1 violated the law. The OPA Director must be able to make such a determination in order to recommend that this case be sustained.

FINDINGS

Named Employee #1

Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards & Duties: Knowledge of and Adherence to Laws and Department Policy and Procedures*.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.