



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-0349

Issued Date: 06/28/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards & Duties: Honesty (Policy that was issued 05/12/2009)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee made several statements to a Washington State Department of Health (DOH) investigator concerning the complainant.

COMPLAINT

The complainant, who is a paramedic, alleged that one or more Seattle Police employees may have provided the Washington State Department of Health (DOH) with false information concerning her that could have affected her licensing status during a 2013 DOH professional conduct investigation.

The DOH investigator identified the source of his information as an officer who has since retired from SPD. The officer reportedly provided DOH with information regarding a contact with the complainant in 2010.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Search for and review of all relevant records and other evidence
3. Interview of witnesses
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The Named Employee made several statements to a Washington State Department of Health (DOH) investigator concerning the complainant. The complainant denies the statements made about her by the Named Employee in his conversation with the DOH investigator. In turn, the complainant alleged that the Named Employee, acting in his official capacity as a Seattle Police Department (SPD) officer, made false statements to the DOH investigator as part of an official DOH investigation. The allegedly false statements made by the Named Employee to the DOH investigator were not recorded, only summarized in a report by the investigator. For this reason, it is not possible to determine exactly what the Named Employee said in his statement to the DOH investigator. However, the Named Employee did consent to a recorded OPA interview and his statements to OPA were similar to those summarized in the DOH report. Some of statements made by the Named Employee in both settings were, according to the Named Employee, based on what he heard in 2010 from unnamed Seattle Fire Department (SFD) employees. These were rumors he heard regarding the complainant. There is no evidence the Named Employee claimed, in his statement to the DOH investigator, that he (the Named Employee) had personal knowledge the rumors were true. The Named Employee clearly indicated to OPA these were just rumors he had heard. Even if the OPA investigation had been able to show the rumors to be untrue, this would not prove dishonesty on the part of the Named Employee.

The Named Employee asserted he made a traffic stop on the complainant in 2010 and discovered that her driver's license was expired. While OPA found no record of this stop, both the Named Employee and the complainant agree the Named Employee stopped the complainant while she was driving in the area and at the approximate date (month and year) claimed by the Named Employee. The evidence does not support the Named Employee's claim that the complainant's driver's license was expired. However, there is insufficient evidence to determine whether this claim was a dishonest statement or a case of mistaken memory, given the nearly three years between the traffic stop and the DOH investigator's interview of the Named Employee.

The Named Employee also told the DOH investigator that he followed the complainant, watched her enter and leave a nearby Seattle Fire station, and then found indications inside the station that lockers and a cash box may have been searched and/or valuables taken. The Named

Employee told the DOH investigator that he notified a Fire Department official about these suspicious circumstances and filed a police report about it. Despite extensive searching, OPA was unable to find any report or record filed by the Named Employee about this. This supports the Named Employee's claim, made to the DOH investigator, that he was unable to find any trace of the report he had written when he went back to find it. OPA interviewed three SFD employees who recalled having money disappear from the station during that timeframe. They remembered talking with the Named Employee about it and him telling them he had made a traffic stop on the complainant. He also described seeing suspicious activity involving the complainant the day before the money was found to be missing. These recollections by the three SFD employees add some support to the Named Employee's statements. In short, the available evidence does not support a finding of dishonesty with respect to whether or not the Named Employee witnessed the alleged suspicious activity by the complainant and made such a report.

By agreement between the City and the Seattle Police Officers Guild, the standard of proof required to sustain an allegation of dishonesty against a SPD officer is "clear and convincing" evidence. The OPA investigation failed to discover evidence sufficient to meet this standard. For this reason, the OPA Director recommended a finding of Not Sustained (Inconclusive) for this allegation.

FINDINGS

Named Employee #1

Allegation #1

There was not "clear and convincing" evidence to prove or disprove an allegation of dishonesty against the Named Employee. Therefore a finding of Not Sustained (Inconclusive) was issued for *Standards & Duties: Honesty*.

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.