



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 4, 2019

CASE NUMBER: 2018OPA-0416

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	Sustained
# 2	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	Sustained
# 3	5.001 - Standards and Duties 13. Employees Shall Not Use Their Position or Authority for Personal Gain	Sustained
# 4	6.130 - Informant Management 3. Detectives Shall Follow the Procedures for Use of CIs	Allegation Removed
# 5	6.130 - Informant Management 4. Detective Sergeants Shall Screen all Potential CIs Prior to Their Use	Allegation Removed
# 6	6.130 - Informant Management 9. Certain Activities Shall Be Restricted Between Department Employees and CIs	Allegation Removed
# 7	5.001 - Standards and Duties 20. Employees Shall Not Use a Department Mailing Address for Personal Reasons	Sustained

Imposed Discipline

Resigned prior to Proposed Discipline – Discipline would have been Termination

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 was having ongoing inappropriate contacts with a female inmate incarcerated in the City of Kirkland Jail. It was further alleged that the Named Employee used his law enforcement credentials to visit the inmate.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

A Sergeant employee by the Kirkland Jail reviewed mail sent to a female inmate, referred to here as the Subject, who was incarcerated in the facility. The review was done per jail policy to determine whether there was any contraband therein. No contraband was located; however, the Sergeant noticed that the return address on the letter was SPD Headquarters. He also noticed that the letter was signed “sugar bear.” The Sergeant found this strange and noted that senders who did not want their identities to be known often signed letters with nicknames. The letter referenced a previous visit that the sender had with the Subject on April 14, 2018. The letter also



referenced the provision of a burner phone to the Subject by the sender. The Sergeant reviewed jail records and determined that Named Employee #1 (NE#1), who was employed by SPD as a detective at the time, visited the Subject on April 14. He further recalled that NE#1 had visited the Subject when she had previously been incarcerated in the jail. During that visit, which occurred in June of 2016, NE#1 informed jail employees that the Subject was a confidential informant (CI). The Sergeant believed this to be odd but did not question what he had been told. The letter was ultimately delivered to the Subject.

Later that day, NE#1 called the jail and spoke to an Officer. NE#1 identified himself by his name and rank and requested that they give the Subject a new contact telephone number for him. NE#1 said that he believed that the Subject currently had the wrong telephone number for him. The Sergeant, who was listening to the call, mouthed silently to the Officer to tell NE#1 that they would not do so. The Officer put NE#1 on hold and the Sergeant picked up the line. He introduced himself and NE#1 said that he was trying to get in contact with an inmate. The Sergeant told NE#1 that they were unable to give the Subject his phone number. NE#1 asked how the Sergeant knew that he was trying to contact the Subject. The Sergeant responded that he read the letter that NE#1 sent and that he previously visited the Subject. The Sergeant asked NE#1 if he had a personal relationship with the Subject and he said that they used to. NE#1 then said that it was not important to give the Subject the telephone number and the call ended.

OPA reviewed a copy of the letter sent by NE#1 to the Subject. The letter was personal in nature and suggested an ongoing romantic relationship between the two. In the letter, NE#1 referred to the Subject as "beautiful," provided her with a telephone number so that they could have further calls, and told her that he loved her. OPA also reviewed the April 14 visit between NE#1 and the Subject. During that visit, which was entirely captured on video, NE#1 again told the Subjects that she was "beautiful." He told the Subject that he wanted to "touch" and "hold" her. He discussed when the Subject would be released from jail, his worries about her, how she was doing, and the merits of her case. He further discussed how he was retiring from SPD because he no longer liked his job. Again, like the letter, the conversation between the two of them was entirely personal. There were no discussions of anything even plausibly related to the Subject's work as a CI. Moreover, during their video call, the Subject told NE#1 that she was hoping to see him "face to face." NE#1 said "I can't..." and was interrupted by the Subject who said "you can't use that card anymore." NE#1 shook his head no and appeared to motion with his lips as if to tell the Subject to be quiet. He then said: "And I'm never going to be able to pretty soon." The Subject responded: "Okay, but pretty soon it won't matter." This clearly establishes that NE#1's previous assertion to jail staff that the Subject was an active CI was a fabrication purposed to get him in-person access to her.

During its investigation, OPA attempted to interview NE#1; however, he retired from the Department and has not contacted OPA to scheduled his interview. OPA further conclusively determined that the Subject was not used by the Department as a CI.

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.)

NE#1's conduct in this matter was, in OPA's opinion, clearly unprofessional. Most notably, he fabricated that the Subject was a CI to jail staff in order to get in-person access to her, which he was otherwise not permitted. This



constituted a significant lapse of judgment and abuse of NE#1's authority. It further served to undermine trust and confidence in both NE#1 and the Department. For the above reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

The evidence in this case conclusively establishes that NE#1 was deliberately and materially dishonest when he told jail staff that the Subject was a CI. His motive for stating this falsehood was to get in-person access to her, which was not otherwise permitted. While NE#1's relationship with the Subject and the visit he engaged in were entirely personal, he lied by using his authority as a SPD detective. This represented a violation of this policy and, as such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #3

5.001 - Standards and Duties 13. Employees Shall Not Use Their Position or Authority for Personal Gain

SPD employees are prohibited from using their position or authority for personal gain. (SPD Policy 5.001-POL-13.)

As discussed above, NE#1 used his position as a SPD detective and the dishonest statement that the Subject was a CI, to gain face-to-face access to her. Without these actions and had he been an ordinary civilian, NE#1 would not have been permitted this privilege. As such, when he was able to meet in person with his romantic partner, he improperly received a personal benefit. In this respect, he violated this policy and I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegations #4

6.130 - Informant Management 3. Detectives Shall Follow the Procedures for Use of CIs

SPD Policy 6.130 and its subsections govern the use of CIs. These allegations were initially classified for investigation due to the possibility that the Subject was a CI and based on the belief that she had potentially been inappropriately utilized by NE#1. However, OPA's investigation conclusively established that she was not a CI and that NE#1's assertion to the contrary was a lie. As such, this allegation, as well as Allegations #5 and #6, are inapplicable to this case and I recommend that they all be removed.

Recommended Finding: **Allegation Removed**



Named Employee #1 - Allegation #5

6.130 - Informant Management 4. Detective Sergeants Shall Screen all Potential CIs Prior to Their Use

For the same reasons as stated above (see Named Employee #1, Allegation #4), I recommend that this allegation be removed.

Recommended Finding: Allegation Removed

Named Employee #1 - Allegation #6

6.130 - Informant Management 9. Certain Activities Shall Be Restricted Between Department Employees and CIs

For the same reasons as stated above (see Named Employee #1, Allegation #4), I recommend that this allegation be removed.

Recommended Finding: Allegation Removed

Named Employee #1 - Allegations #7

5.001 - Standards and Duties 20. Employees Shall Not Use a Department Mailing Address for Personal Reasons

SPD Policy 5.001-POL-20 precludes employees from using a Department mailing address for personal reasons.

OPA's investigation indicated that NE#1 violated this policy when he provided his Department address to the Subject in a letter. NE#1 further provided her with his Department telephone number and the Subject made multiple collect calls to that number from jail. For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: Sustained