



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 18, 2018

CASE NUMBER: 2016OPA-1479

### 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)

***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 was on the “payroll” of a criminal defendant and that this constituted potential illegal behavior.

### ADMINISTRATIVE NOTE:

The contractual 180-day deadline in this case was originally set to expire on June 14, 2017. However, as the Named Employee was on long-term medical leave, OPA was unable to interview him prior to that time. As such, before the expiration of the 180-day deadline, OPA requested that SPOG agree that the deadline be tolled until the Named Employee returned to active duty. OPA further requested that the deadline be reset to expire 21 days after that return date. Named Employee #1 never returned to work and, instead, retired. As such, the 180-day deadline remains tolled. That being said, for administrative purposes, the deadline has been set as December 31, 2018.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegation #1**

#### ***5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy***

The subject was arrested with three other men for kidnapping and assault. One of the men who was also arrested told the criminal investigator that the subject, who owned a restaurant that was allegedly frequented by multiple SPD employees, had officers on his “payroll.” This individual further stated that he was told by the subject that these SPD employees would possibly shield them from arrest. The individual identified one of those officers as an Asian male who was employed as a sergeant. Based on this allegation of possible corruption on the part of SPD officers, this matter was referred to OPA.

After reviewing the file, OPA referred the case back to the Investigations Bureau for further criminal investigation into these allegations. The criminal investigator performed a search of the subject’s phone and determined that he had contact information for several SPD employees, including Named Employee #1 (NE#1). NE#1 was an Asian male who was a sergeant at the time, generally matching the description of the involved officer.



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During the investigation, the criminal investigator interviewed the subject. The subject stated that he was close friends with NE#1, but that he did not have ongoing relationships with the other officers whose contact information was found on his phone. He stated that NE#1 regularly ate at his restaurant and that they would meet sometimes. The subject said that he had been to NE#1's home, but that NE#1 had not been to his home. He denied, however, that NE#1 was on his "payroll" or knew of and/or supported his criminal activities. He stated that he told that to the other individuals involved in the criminal enterprise in order to impress them.

The subject explained that the incident was an intervention gone wrong. His wife was a drug addict who was living with her drug-dealer boyfriend. The subject stated that he raised his wife's condition with NE#1 and that NE#1 told him that the situation was hopeless and that he should end the relationship. The subject stated that he never discussed his plan to kidnap and assault the boyfriend with NE#1. The subject further recalled that he once asked NE#1 if it was possible to track the boyfriend's phone and that NE#1 looked at him as if he was crazy. NE#1 did not assist him in this regard. The subject stated that this conversation occurred in NE#1's police car. The subject told the criminal investigator that NE#1 did not use his MDT system to procure information for the subject or to do anything illegal. The subject further remembered that on the date that they had this conversation, the battery for NE#1's patrol vehicle died and it needed to be towed from the restaurant's parking lot. Based on this information, the criminal investigator was able to corroborate that NE#1 car was towed from the restaurant's parking lot on June 15, 2015. The criminal investigator was further able to confirm that there was no suspicious MDT usage by NE#1 on that day.

The subject lastly told the criminal investigator that, after his arrest, he met with NE#1. They did not discuss the details of his criminal case, but NE#1 recommended that the subject hire more expensive lawyers. The subject said that NE#1 loaned him \$1,800 for lawyer fees and that he ultimately paid back approximately \$1,500 of that money.

The criminal investigator contacted NE#1 and requested a voluntary interview. NE#1 told the investigator that the allegation against him was absurd and he wanted to give an interview; however, NE#1 said that he needed to check with his Guild representative first. Several days later, NE#1 came to the investigator's office with a Guild representative and, at that time, declined to give a voluntary statement.

This matter was then referred back to OPA and this investigation began. Prior to OPA commencing its review of this case, NE#1 had gone out on long-term medical leave. He ultimately retired from the Department. While, given his employment status, OPA could not compel NE#1 to sit for an interview, he did so. During that interview, NE#1 denied the allegations that he was on the subject's "payroll" or that he engaged in any unlawful activities on behalf of or in support of the subject.

SPD Policy 5.001-POL-2 requires that SPD employees comply with laws, City policy, and Department policy. If true, the conduct that NE#1 was alleged to have engaged in would have constituted a violation of this policy. However, there is insufficient evidence to establish that this behavior occurred. While the facts of this case certainly raise questions concerning the nature and extent of the relationship between NE#1 and the subject, there is no evidence that NE#1 actually engaged in criminal activity. As such, I recommend that this allegation be Not Sustained – Unfounded.

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