



CLOSED CASE SUMMARY

ISSUED DATE: MAY 17, 2019

CASE NUMBER: 2018OPA-1139

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 Shall Strive to be Professional	Not Sustained (Unfounded)
# 3	6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained (Unfounded)
# 4	6.010 - Arrests 2. When Taking a Suspect Into Custody, Officers Must Identify Themselves, Inform the Suspect that He or She is Under Arrest, and State the Reason for the Arrest As Early as Practical	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:

The Complainant alleged that her neighbor filed a false police report about her, which resulted in SPD officers dragging her out of her home. According to the Complainant, during that incident, she was not told what she was being arrested for, and that since that day, officers have been stalking and harassing her. The Complainant further alleged that officers have attempted on several occasions to involuntarily admit her to the hospital for psychiatric evaluation.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based on its intake investigation. As such, OPA determined that no officers needed to be interviewed for this investigation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant told OPA that she was arrested just prior to Easter 2018 after someone filed a false report about her. The Complainant told OPA that the substance of the false report was that she had a physical altercation with a



woman and attempted to run that woman over with her car. The Complainant stated that she accepted plea deal in that case and was ordered to complete community service and participate in a drug and alcohol program.

The Complainant alleged that in the days leading up to her arrest and for approximately two to three weeks afterwards, officers engaged in harassing behavior towards her, which included their coming to her home and yelling and screaming at her for no apparent reason. The Complainant stated that the harassment stopped for a period of time after she complained about it to a member of Seattle's City Council; however, she stated that it has since started up again. The Complainant indicated that a police vehicle was positioned outside of her house one evening for unknown reasons, and four bicycle officers circled around her one day while she was standing outside of a Ballard coffee shop. The Complainant told OPA that she has no idea why this harassment is taking place, but she would like it to stop.

The Complainant also told OPA that, the day before she was arrested, she brought a man home, who she believed was a SPD officer, after he "picked [her] up at a bar." The Complainant explained that the reason she believed that the man was a SPD officer was because she recognized him as one of the eight or nine officers who were present outside of her house the day she was arrested. The Complainant knows him by the name "Brian," but she is unaware of his last name. The Complainant stated that they "had sex," but they did not talk about what he did for a living, and he was not in uniform. The Complainant has not seen this person at any point afterwards.

In terms of what she would like to see as a resolution to her complaint, the Complainant stated that she wanted to know why these things are happening, because she does not believe that what she described were coincidences.

SPD Information

SPD officers arrested the Complainant on March 29, 2018 for two counts of misdemeanor assault. Her arrest was relating to an incident that took place at the school that the Complainant's daughter attends. She was legally prohibited from being in the vicinity of the school and she was identified by witnesses as committing crimes therein. The General Offense Report relating to this incident noted that the Complainant refused to come out of her home and that the officers believed that she may have been experiencing a mental crisis. A Crisis Report was completed concerning the Complainant's arrest.

OPA found that there were approximately 14 other calls for police service associated with the Complainant between the timeframe of March 17, 2018 to May 22, 2018. SPD's Records Management System indicated that there was a mental caution associated with the Complainant's name. OPA also discovered that the Complainant was the respondent in three orders of protection. Additional relevant information located by OPA shows that there were other follow-up police calls associated with court order violations by the Complainant and that King County mental health professionals were called for assistance on more than one occasion.

OPA also reviewed Body Worn Video (BWV) during its intake investigation and found that the officers treated the Complainant respectfully and were engaged in documented and legitimate police action when they encountered the Complainant.

Additional Information

OPA followed up on information provided by the Complainant that she believed would corroborate her allegations, but none of those sources did so.



Analysis

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If officers had engaged in the type of harassing behavior as alleged by the Complainant, it could have violated Department policy.

As identified above, the evidence obtained by OPA did not support any of the allegations made by the Complainant. The interactions that the Complainant had with SPD officers were frequent, but they were directly related to legitimate police responses to the Complainant's actions. OPA concludes that the SPD employees who responded to calls for service involving the Complainant did so in a manner that followed SPD policies and procedures. Based on OPA's review of the totality of the evidence, OPA finds insufficient support for the Complainant's allegations. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

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

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.) The policy further states the following: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." (*Id.*) Lastly, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." (*Id.*)

As discussed above (*see* Named Employee #1, Allegation #1), there is no indication that an unknown employee was unprofessional towards the Complainant during any of the numerous contacts that she has had with SPD. Indeed, OPA could not find any evidence supporting her allegations in this regard. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #3

6.010 - Arrests 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy.

As discussed above, the Complainant was arrested on March 29, 2018. Based on the evidence in the record, there was sufficient probable cause to take her into custody at that time. OPA classified this allegation against an unknown employee given that the specific facts concerning the incident referenced by the Complainant and who from SPD was involved were unclear. With regard to this unknown employee, OPA recommends that this allegation be Not



Sustained – Unfounded. OPA notes that, had one of the officers who was involved in the March 29 arrest been identified and named in this case, OPA would still have recommended that this allegation be Not Sustained – Lawful and Proper, as the involved officers acted appropriately and consistent with policy and law.

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

Named Employee #1 - Allegations #4

6.010 - Arrests 2. When Taking a Suspect Into Custody, Officers Must Identify Themselves, Inform the Suspect that He or She is Under Arrest, and State the Reason for the Arrest As Early as Practical

For the same reasons as stated above (see Named Employee #1, Allegation #3), I recommend that this allegation be Not Sustained – Unfounded.

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