



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 8, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0074

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

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 she was sexually assaulted in 2017. Named Employee #1 (NE#1) investigated the Complainant's criminal allegation. In January 2020, the King County Prosecuting Attorney's Office (KCPAO) declined to file criminal charges for the alleged sexual assault. Thereafter, the Complainant obtained NE#1's emails through a Public Disclosure Request (PDR). The Complainant alleged that NE#1 sent an email to a victim advocate discussing the investigation on October 27, 2022. The Complainant alleged that the content of the email regarding her was both unprofessional and biased. The Complainant also alleged NE#1's overall handling of the case demonstrated bias.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG) review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. On March 23, 2023, OIG certified this investigation as thorough, timely, and objective. As such, OPA did not interview the involved employee in this case, and all the allegations in this case would be Not Sustained.

The 180-day deadline for this investigation was August 12, 2023. Although this case was fully certified as an Expedited Investigation on March 23, 2023, OPA did not timely finalize this DCM. Accordingly, this case is untimely.

SUMMARY OF INVESTIGATION:

A. OPA Complaint & Complainant Interview

The Complainant provided OPA an excerpt of an October 27, 2022, email from NE#1 to a victim advocate which the Complainant obtained via a PDR. The email read:



This is all about the civil case at this point. I think it always was to tell you the truth. I always thought this case was a jump ball, they were both telling a little bit of the truth and they were both not telling a little bit of the truth and the truth was somewhere in the middle. Something definitely happened, but no jury would have convicted given all the gray.

I'm sure I'll probably get a beef out of this, but it is what it is...

The Complainant stated that, “such a biased and disrespectful view has undermined my trust in the work [NE#1] has done as well as the police department... Moreover, such a discussion demonstrates a biased, unprofessional view. As an investigator, one should be objective and follow the facts. Instead, [NE#1] let her biases influence her investigation.”

OPA interviewed the Complainant who stated that she was “devastated” when she saw the above email exchange while reviewing the documents she received from her records request. The Complainant explained that she felt ignored by NE#1 during the sexual assault investigation and was disheartened to hear that NE#1 believed the Complainant was after money from a civil lawsuit against the alleged assailant. The Complainant further alleged NE#1 failed to speak with witnesses who corroborated her version of events and instead only interviewed witnesses that supported the suspect. Specifically, the Complainant alleged NE#1 failed to speak with her ex-fiancé, Community Member #1 (CM#1). The Complainant stated NE#1 was not culturally competent because in the Complainant’s community, people are often ostracized for reporting crimes to the police.

B. Case Investigation Report (CIR)

OPA reviewed NE#1’s Case Investigation Report (CIR). A CIR documents the investigative actions taken by a detective during their investigation. NE#1’s CIR documented the following:

The Complainant’s sexual assault case was assigned to NE#1 on January 29, 2018. NE#1 attempted to contact CM#1 at least five times via social media and email. NE#1 interviewed three witnesses referred by the Complainant, including the Complainant’s stepmother who supported the Complainant’s allegations. NE#1 also reviewed messages between the Complainant and suspect. Finally, NE#1 obtained telephone records via warrant. NE#1’s last entry was in September 2019. NE#1 submitted the case to the King County Prosecutor's Office in November of 2019.

C. Emails

The Complainant provided OPA with a screenshot of an email she received from NE#1 on January 6, 2020. In the email, NE#1 apologized that the victim advocates had not contacted the Complainant. NE#1 explained that the case was with the King County Prosecutor’s Office. NE#1 wrote, “At this point, I really wanted them to review the case and see where it stood, because I think you need an answer. As I have always indicated to you, it’s a tough case. While I believe everything you told me and appreciate the time delays and cultural issues, they often evaluate cases from the



perspective of what a juror will think/feel/believe and whether or not, considering that perspective, they believe they can prove the case beyond a reasonable doubt.”

NE#1 concluded with a message to the Complainant noting she hoped the Prosecutor’s Office would look past some of the evidentiary issues with the case and that, at a minimum, the subject was on SPD’s radar. NE#1 applauded the Complainant, “I believe you have made other women safer because you were brave enough to come forward.”

D. King County Prosecutor’s Office Decline Notice

On January 22, 2020, the King County Prosecutor's Office sent a notice declining to prosecute the case to NE#1. The Prosecutor’s Office indicated that they were declining the case because it was “legally insufficient.” The Deputy Prosecutor stated that he did not believe the State could prove the necessary elements of any felony sex offense.

The Deputy Prosecutor explained:

[The Complainant]... obtained a Sexual Assault Protection Order. [The Complainant] then reported a violation of that order and charges were filed in [Outside Jurisdiction] Municipal Court... In that case [the Complainant] alleged the defendant contacted her via phone... The charges were ultimately dismissed by the City Attorney’s Office... [NE#1] spoke with the defense attorney in that matter who forwarded a copy of an investigative report. In the report it detailed that [a friend of the victim] stated [the Complainant] wished to get the suspect in trouble and [hoped] to sue her employer for a lot of money. NE#1 then obtained a search warrant for the suspect’s call detail records which also confirmed no contact on the date of the alleged violation.

Additionally, given the delay in reporting there is no corroborative evidence of sexual contact – attempted or otherwise. Taking all the facts and circumstances into account, the State does not believe it could credibly argue that such contact or attempted contact occurred beyond a reasonable doubt.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

The Complainant alleged NE#1’s October 2022 email to a victim advocate discussing the Complainant’s sexual assault case was unprofessional. The Complainant further alleged the email in question contradicted NE#1’s email from January 2020 wherein NE#1 stated she believed the Complainant’s sexual assault allegations.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers”



whether on or off duty. SPD Policy 5.001-POL-10. Furthermore, the policy states: “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.*

Here, NE#1 discussed the status of a sexual assault case frankly with a victim advocate more than two years after the KCPAO declined to prosecute. While NE#1 did state that she believed the Complainant’s allegations two years prior, NE#1 told the Complainant that there were evidentiary issues with the case and clearly explained why the Prosecutor’s Office may decline to charge the suspect. NE#1’s commentary in an internal email after the Prosecutor’s Office declined the case was not derogatory or contemptuous towards the Complainant. Rather, NE#1 reflected on that case and opined that she had not obtained full disclosure from either of the parties. NE#1’s analysis, two years after the fact, was candid and directed at a colleague, not at the Complainant.

Accordingly, OPA recommends that this allegation be Not Sustained - Unfounded (Expedited)

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

Named Employee #1 - Allegation #2

5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 failed to adequately investigate her sexual assault allegations because of bias. Specifically, the Complainant alleged NE#1 did not interview witnesses which corroborated her account.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. *See id.*

A review of NE#1’s Criminal Investigation Report showed NE#1 diligently investigated the Complainant’s sexual assault case for nearly two years before referring the case for prosecution. NE#1 interviewed—or attempted to interview—the witnesses referred by the Complainant and obtained other electronic evidence and records. Specifically, NE#1 made numerous attempts to interview CM#1, who the Complainant identified as a key witness. Ultimately, the Prosecutor’s Office decided to decline the case in large part due to evidence that the Complainant—whose testimony was the only evidence to establish a necessary element of the case—could be effectively impeached with a profit motive. While NE#1’s commentary about the investigation after the fact indicated a less-than-optimistic view of the evidentiary strength of the case, NE#1’s statements did not suggest bias towards the Complainant.

Accordingly, OPA recommends that this allegation be Not Sustained - Unfounded (Expedited)

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