



## **CLOSED CASE SUMMARY**

ISSUED DATE:     APRIL 23, 2019

CASE NUMBER:    2018OPA-0996

### **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 (Inconclusive)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Inconclusive)

***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.***

### **Allegations of Misconduct and the 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 (Inconclusive)
# 2	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Inconclusive)

### **EXECUTIVE SUMMARY:**

Multiple individuals alleged that the Named Employee engaged in acts that were unprofessional, criminal, and violated City and SPD policies.

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegations #1**

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

OPA received an emailed complaint from a female – referred to here as “DJ” – who contended that Named Employee #1 (NE#1) was “having extreme difficulties.” DJ asserted that NE#1 was obsessed with an ex-girlfriend – referred to here as “CH” – and was potentially planning on taking “action” against CH and her family, had faked having cancer, and was mentally unwell. DJ sent OPA a second email in which NE#1 wrote, in summary, that he was emotionally harmed by the end of his relationship with CH and that he believed that he needed to seek mental health treatment. Based on the emails forwarded by DJ, OPA initiated an intake.

As part of that intake, OPA interviewed DJ. She raised her belief that NE#1 was faking several medical conditions, including cancer and diabetes. DJ further contended that NE#1 was “cyberstalking” CH. She clarified that she meant that he was constantly looking CH up on the internet. DJ told OPA that she understood that NE#1 sent CH messages,



but she was not aware of the specific content of those messages. DJ stated that NE#1 had issues with another SPD officer – referred to here as Witness Officer #1 (“WO#1”) – because this officer caused NE#1’s breakup with CH. DJ last brought up a conversation with NE#1 wherein he purportedly told her that he used force while intervening in a domestic violence matter in Kirkland. She told OPA that NE#1 informed her that the Kirkland Police Department (KPD) told NE#1 that he did not need to write a use of force report; however, NE#1 said that he would have to do so in compliance with SPD policy. DJ believed that this was a fabrication because, when she made a public records request for the files relating to the incident with KPD, no responsive documents were available.

OPA also received an email from NE#1’s daughter – referred to herein as “RB.” With that email, she included a document entitled: “Character Testimonial.” In that document, she described various relationships that NE#1 had been engaged in and how those relationships ended. She further itemized her negative relationship with NE#1 and some of the negative ways that he treated her during her childhood. She opined that he was a “sexual predator,” a “pathological liar,” a “narcissist” and a “sociopath,” and that he abused his authority. RB also wrote that her mother – referred to here as “TK” – reported that NE#1 had sexually assaulted her on a number of occasions, the first occurring when NE#1 went to TK’s home to pick up divorce paperwork. After consulting with an OPA supervisor, the assigned investigator contacted RB to determine the approximate date and place of the sexual assaults. RB reported that they occurred in Renton in approximately 1992. Based on this information, OPA referred this matter to SPD for criminal investigation. SPD, in turn, referred the case to the Renton Police Department (RPD), given that this was the jurisdiction of occurrence. After reviewing the file, RPD returned the case to SPD, indicating that it would not be investigating the case based on the expiration of the statute of limitations. SPD accordingly referred this matter back to OPA and this administrative investigation ensued.

OPA interviewed TK. She asserted that she had been sexually assaulted by NE#1 on approximately six occasions in the mid-1990s. While these six occasions occurred after their divorce, TK stated that NE#1 also sexually assaulted her while they were married. TK said that, on all of these occasions, the sex was non-consensual. She further recounted that her arms were bruised after at least one of the incidents. She stated that NE#1 would likely deny that the sexual was non-consensual; however, she contended that she told him to stop during the occurrences. TK told OPA that she told several friends, as well as RB and another daughter – referred to here as “BB,” about the sexual assaults. She also stated that she told her husband. Lastly, TK told OPA that she kept a journal at the time and she would see if she could find it. However, TK confirmed that she did not formally report that NE#1 had sexually assaulted her to the police or to any other investigatory entity. TK informed OPA that NE#1 threatened to hit her and twisted her arm behind her back. TK told OPA that she wanted NE#1 to get help. She stated that NE#1 lied about everything and that he would come up with excuses and justifications if asked about what he did to her.

OPA interviewed RB and BB. RB recounted that TK told her about the sexual assault. Before doing so, TK verified that RB was “fully done with” NE#1. She stated that TK disclosed that the first sexual assault occurred on the day of the divorce and that NE#1 purportedly told TK that, if she called the police, she would not get child support. RB confirmed that she did not witness any of the alleged sexual assaults. RB told OPA that NE#1 was “obsessed” with CH. She provided information about NE#1’s dating history and said that he regularly told her about his sex life. She stated that DJ contacted her and informed her that NE#1 had been lying about having cancer.

BB told OPA that she met with RB and DJ and that they collectively decided to initiate this complaint. She stated that she believed that NE#1 lied about having cancer so that he could get easier work assignments. She said that she did not have a relationship with NE#1 and that she believed him to be manipulative and narcissistic. She indicated that



---

her mother told her that NE#1 had misused her college funds. BB also believed that NE#1 was trying to use her mental health diagnosis to get higher Social Security payments. BB said that TK did not tell her about the sexual assaults, but that she believed they occurred. However, she did not believe that RB should have made those allegations to OPA. She described NE#1 as “emotionally and verbally abusive” to TK and stated that, in the mid-1990s, he was an alcoholic.

OPA further interviewed TK’s husband – referred to here as “FK.” FK told OPA that his wife disclosed the allegations of sexual abuse to him. FK said that TK did not provide a lot of details and told him that NE#1 threatened that she would lose the kids if she reported the sexual assaults. FK said that he had one interaction with NE#1 during which NE#1 became upset because FK dropped NE#1’s and TK’s shared kids off late. NE#1 was wearing his service weapon at the time and asked FK if that was intimidating him. FK said that it was not as his gun was “bigger.” From what TK has told him, FK believes that NE#1 has significant issues and may be a pathological liar.

OPA additionally interviewed WO#1. He told OPA that he had worked with NE#1 on several occasions but that none of those calls were noteworthy. He stated that he was aware that NE#1 dated CH. He also knew CH because she had family that worked at a restaurant in his sector. He recalled that, one day in roll call, NE#1 snapped at him concerning CH. WO#1 had no idea why NE#1 did that. WO#1 had no further relevant information relating to this case.

OPA followed up with TK concerning the journal. TK told OPA that she found the journal, but that it did not contain any information concerning the sexual assaults. TK ultimately could not remember the names of two of the three friends that she said she told about the sexual assaults. She did identify the third friend; however, the third friend told OPA that, while she remembered TK being upset about her relationship with NE#1, she had no recollection of any discussion of sexual assaults. TK told OPA that she also told her cousin about her problems with NE#1, but that she did not disclose the sexual assaults.

Lastly, OPA interviewed NE#1. He stated his belief that DJ initiated this case, and motivated his daughters to complain about him, because she felt that he had wronged her. NE#1 denied lying about cancer and other medical conditions. He confirmed that he went through surgery for cancer and that the surgery had been successful. NE#1 acknowledged that his recounting to DJ about the Kirkland incident was a fabrication. However, he explained that he made up the account for non-malicious reasons. He denied ever cyberstalking CH. He stated that they still corresponded, but that he kept his distance because she broke his heart. NE#1 told OPA that he was still close with CH’s family.

NE#1 also denied ever sexually assaulting TK. He stated that, while they were intimate once during their separation, he did not recall ever having intercourse with TK after their divorce. He opined that she was trying to get back at him based on past anger regarding their breakup and his beginning of a relationship with another woman. He said that he further never threatening TK with taking away their children. NE#1 asserted that TK was lying but had difficulty explaining what her motivation would be to do so at this point.

OPA reviewed a number of text messages and emails sent by and between NE#1 and the various witnesses. None of those emails conclusively established any of the allegations made against NE#1.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.



---

Simply stated, this case is a mess. Multiple individuals, including members of NE#1's family, have alleged a course of conduct on NE#1's part that includes womanizing, fabrications, verbally and psychologically abusive behavior, and sexual assaults. If true, this conduct would constitute a violation of multiple laws, City policies, and SPD policies. However, NE#1 denies these allegations in their totality and, as explained below, the evidence is insufficient to establish otherwise.

With regard to the most serious of the allegations – the sexual assaults of TK, she stated that they occurred and NE#1 contended that TK is lying. While TK told her husband and daughters about the sexual assaults, none of them witnessed that conduct. Moreover, there was no corroborating evidence of the sexual assaults in the journal she kept, and the one friend TK could identify as being aware of the sexual assaults stated that she had no such knowledge. The lack of such corroborating evidence, whether in documentary form or oral testimony, prevents OPA from conclusively establishing that it occurred. Had one of these witnesses seen or heard the alleged sexual assaults occurring and/or become aware of them contemporaneously and provided that information to OPA, I almost certainly would have reached a different decision.

Without that evidence, however, I am left with an incomplete record. Moreover, the other allegations made herein, while all concerning, do not rise to the level of a violation of this policy. For example, while NE#1 clearly engaged in fabrications to DJ and others, those fabrications were made in his personal life and do not violate SPD policies. Similarly, even if NE#1 treated his daughters poorly during their childhoods and was a subpar partner and husband, this does not constitute a violation of policy. Moreover, the act of habitually monitoring CH, while apparently emotionally unhealthy for NE#1, did not constitute cyberstalking based on the evidence available to OPA.

Ultimately, I cannot meet the burden of proof to establish that NE#1 committed any crimes, including the repeated sexual assaults of TK. Moreover, while it appears clear that NE#1 exercised bad judgment and engaged in some problematic behavior, this appears to have all been in his private life. Moreover, based on the evidence available to OPA, it cannot be proved that any of that conduct was of the degree to warrant finding a violation of this policy. For these reasons, I recommend that this allegation be Not Sustained – Inconclusive.

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

#### **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.)

If true, NE#1's alleged conduct would have also violated the Department's professionalism policy. However, for the same reasons as articulated above, there is insufficient evidence to establish that NE#1 acted contrary to this policy. Again, while much of the behavior described is concerning, it largely occurred in NE#1's private life and constituted allegations of being a poor father, partner, and husband. While an officer's personal and professional behavior is within OPA's jurisdiction and while, at times, such conduct can violate this policy, the behavior that can actually be proved in this case does not meet that standard.



As such, I recommend that this allegation be Not Sustained – Inconclusive.

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