



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 12, 2023

FROM: DIRECTOR GINO BETTS JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0101

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	Sustained
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Sustained
Imposed Discipline		
Resigned in lieu of 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 Named Employee #1 (NE#1) solicited the services of sex workers via text message and continued to make inquiries after learning that the individual(s) he was messaging may have been underage. It was also alleged that NE#1 may have engaged in this behavior while on duty.

SUMMARY OF INVESTIGATION:

In late March 2022, a representative of the King County Sheriff’s Office (KCSO) Internal Investigations Unit provided OPA with a KCSO Investigation Report (KCSO Report). The KCSO Report documented an undercover human trafficking operation conducted by KCSO in conjunction with other agency partners. The goal of the operation was to target those trafficking in or purchasing exploited juveniles.

According to the KCSO Report, Deputies and Detectives participating in the undercover operation posed as juveniles on various social media and created advertisements on online escort websites. One of these advertisements stated “young spinner ask about duo special.” The KCSO operation was conducted on December 8 and December 9, 2021. On December 9, 2021, a suspect exchanged text messages with an undercover phone line in response to an online advertisement. These messages were:

- **Suspect:** Duo special¹
- **Undercover:** What are you looking for?
- **Suspect:** QV²

¹ The KCSO Report noted: “duo special is slang for purchasing two girls.”

² The KCSO Report noted: “QV – slang for quick visit.”



- **Undercover:** \$80 QV sex each
- **Suspect:** Ok. Maybe next time. I only have \$120 today
- **Undercover:** Can you bring alcohol or weed or something?
- **Undercover:** We can make it work
- **Suspect:** I have some alcohol
- **Undercover:** Ok. Bring the \$120 & the alcohol then
- **Undercover:** And condoms were too young to get pregnant
- **Suspect:** Address?
- **Undercover:** How old are you?
- **Suspect:** 33
- **Undercover:** Perfect, baby are you ok with young girls?
- **Suspect:** I don't think I can mess with under 18
- **Undercover:** oh ok
- **Suspect:** Where y'all at?
- **Undercover:** SeaTac! At a hotel
- **Suspect:** Which hotel? You got cops there?
- **Undercover:** I don't fuck with 12³
- **Undercover:** your not a cop right
- **Undercover:** you have to tell me if you are!!!
- **Suspect:** No. I'm not but y'all could be setting people up?
- **Undercover:** Setting up??
- **Suspect:** I've seen this shows where the cops are in the other room waiting for people to show up
- **Undercover:** Wtf, no
- **Undercover:** I can send you a picture so you can see I'm 15
- **Suspect:** No thanks. Bye
- **Undercover:** Well ok I'm here all night
- **Suspect:** Which hotel?
- **Undercover:** Radisson
- **Undercover:** Not sure when your gonna be here but I'm gonna hop in the shower real quick
- **Undercover:** **Sent picture**
- **Undercover:** ???
- **Suspect:** I don't believe you
- **Undercover:** ??
- **Undercover:** text when your serious

The KCSO Report documents that a Bellevue Police Department Vice Detective checked the suspect's phone number in relevant databases and determined that the registered owner had a name identical to NE#1. Records checks showed that phone number was, in fact, connected to two individuals with different birthdays and the same name. Further records checks showed that the older individual had died in 2007. Records checks also showed that the other, younger individual had an identical birthday as NE#1.

³ The KCSO Report noted: "12 – slang term for law enforcement."



The KCSO Report also documented that Deputies and Detectives obtained a search warrant for subscriber information and location data for the suspect phone number. The records that were returned showed that the suspect number had communicated with other phone numbers associated with escort services on other dates. Deputies and Detectives obtained search warrants for both Apple iCloud backup and Google for location data. Google location data showed that the suspect phone was about one block away from the operation location on two occasions during the two days the operation was active. The suspect phone's iCloud backup was reviewed but no illegal images were observed.

The KCSO Report stated that the investigation was screened with a Senior Deputy Prosecuting Attorney at the King County Prosecuting Attorney's Office (KCPAO). The KCPAO declined the case as they did not believe they could provide a felony case beyond a reasonable doubt.

OPA opened an intake and reviewed the KCSO Report. OPA referred the matter for criminal investigation with SPD. SPD returned the criminal referral to OPA with an indication that, after a separate review, SPD determined that the case had been investigated by KCSO and reviewed by KCPAO. SPD concurred with the conclusion that no criminal charges were appropriate based on the available facts.

After the criminal referral was returned to OPA, OPA reviewed NE#1's timesheets and learned he was not working on the dates of the undercover operation. OPA also determined that NE#1's home address was about 1.6 miles from the location of the operation.

OPA interviewed NE#1 on July 6, 2022. During the interview, NE#1 confirmed that his cell phone number was the same as the suspect phone that exchanged text messages with the undercover KCSO Deputy. NE#1 denied remembering anything particular from December 8 or December 9, 2021. NE#1 stated that he lived alone and "mostly" had his cell phone on his person, but did sometimes leave it in the locker at his gym. NE#1 stated he occasionally let other people use his phone and characterized this as, "mostly us girlfriend or a friend if we're looking at something I'll hand them the phone if we're you know looking at something." NE#1 did not recall looking at the advertisements associated with the KCSO undercover operation.

During his OPA interview, NE#1 was provided with a copy of the text message conversation between his phone and the undercover KCSO deputy. NE#1 said he did not recall the text message conversation. NE#1 recalled having a conversation on Tinder where "[i]t was something about uh them being young and what their Tinder profile said and I thought they were joking or something." NE#1 denied knowing what the term "duo special" meant, but clarified "the conversation I believe started on Tinder and she said to text her number and ask for the duo special." NE#1 said he texted "duo special," but did not know what it meant. NE#1 similarly explained that he texted "QV" to the undercover KCSO deputy because he thought "that was something else she had mentioned prior to switching to text message."

During his OPA interview, NE#1 said that, during his text conversation with the undercover KCSO deputy, he "realized they were like messing around and I was kind of like trolling back I guess." NE#1 also denied knowing anything about his cell phone number exchanging text messages with escort websites on any other dates. In summary, NE#1 explained his behavior as follows: "I didn't realize at the time what was going on and I um did not like message them with that intention of trying to solicit sex services. I was curious as to what was going on."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1



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

It was alleged NE#1 may have violated law or policy by soliciting the services of sex workers via text message and continuing to make inquiries after learning that the individuals he was messaging may have been underage.

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

The evidence against NE#1 for the purpose of these administrative findings is overwhelming. Although the KCPAO declined to prosecute this case because it doubted it could prove a felony beyond a reasonable doubt, the standard here is much lower. Even applying an elevated standard for “termination cases where the alleged offense is stigmatizing to a law enforcement officer,” see SPOG CBA Section 3.1, the available evidence is “more than preponderance of the evidence,” *id.*, that NE#1 committed at least two gross misdemeanors.

Under RCW 9A.88.110, a person is guilty of patronizing a prostitute is “[h]e or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.” RCW 9A.99.110. NE#1 engaged in the following exchange with the undercover KCSO Deputy:

- **Undercover:** What are you looking for?
- **NE#1:** QV
- **Undercover:** \$80 QV sex each
- **NE#1:** Ok. Maybe next time. I only have \$120 today
- **Undercover:** Can you bring alcohol or weed or something?
- **Undercover:** We can make it work
- **NE#1:** I have some alcohol
- **Undercover:** Ok. Bring the \$120 & the alcohol then
- **Undercover:** And condoms were too young to get pregnant
- **NE#1:** Address?

Even if OPA believed NE#1 explanation that he did not know what “QV” meant, the undercover Deputy defied it well enough for him in a subsequent message (“\$80 QV sex each”). NE#1 then negotiated a reduced price and requested an address. This was clearly a solicitation or request, even if NE#1 did not ultimately follow up with the transaction.

Under RCW 9.68A.090, a person is guilty of communication with a minor for immoral purposes where they communicate “with someone the person believes to be a minor for immoral purposes.” RCW 9.68A.090. After negotiating for a “duo special” at a price of \$120 plus “some alcohol” for “QV sex,” NE#1 was told that he was communicating with someone who was fifteen years old, but then requested a location (“which hotel”).

OPA finds NE#1’s explanations for his behavior beyond implausible. His requests and negotiations were both extremely specific and clearly related to exchanging cash or goods for “QV sex.” NE#1’s explanation that he was simply “curious as to what was going on” is preposterous. That explanation is also inconsistent with NE#1’s other, equally implausible, explanation that he, “realized they were like messing around and I was kind of like trolling back I guess.” NE#1’s text messages with the KCSO Deputy, messages to other phone numbers associated with escort services, and presence one block from the undercover operation on two occasions during the operation period do not suggest that NE#1 was “trolling,” but was actively trying to figure out whether the person he was messaging was “setting people up” or if “cops are in th[e] other room waiting for people to show up.”



Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

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

It was alleged NE#1 may have violated the Department's professionalism policy by soliciting the services of sex workers via text message and continuing to make inquiries after learning that the individuals he was messaging may have been underage.

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.

For all of the reasons set forth above at Named Employee #1, Allegation #1, OPA finds that NE#1 engaged in conduct that would "undermine public trust" in violation of the Department's professionalism policy. Separately, OPA finds that NE#1 would have violated this policy even if he were only "trolling" or "curious as to what was going on." Even if joking or curious about sex work, NE#1 engaged in behavior that both reflects poorly on the Department and would expose him to potential extortion.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**