




CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 24, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0227

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 (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 13. Employees Will Not Use Their Position or Authority for Personal Gain	Not Sustained - Unfounded (Expedited)
# 3	5.170 POL 7 No Employee Shall Use or Possess any Controlled Substance, Except at the Direction of a Medical Authority	Not Sustained - Unfounded (Expedited)
# 4	12.040-POL-3-Using Department Devices. 3. Personal Use of Department-Provided Devices Must Follow Department Guidelines	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:

A source, who identified themselves only by a common first name (hereinafter, the “source”), alleged Named Employee #1 (NE#1) worked for a drug syndicate. The source claimed NE#1 used SPD resources and her position on a federal task force to advance the syndicate’s interests. The source also alleged NE#1 transported fentanyl across state lines.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General’s review and agreement, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees.

SUMMARY OF INVESTIGATION:

From late 2021 through 2022, OPA received numerous complaints concerning NE#1. Other agencies and government officials also received numerous contacts from named and anonymous sources filing complaints against NE#1. To date, OPA has opened seven separate investigations concerning these apparently related allegations.¹ Two were full

¹ 2021OPA-0534, 2022OPA-0077, 2022OPA-0132, 2022OPA-0145, 2022OPA-0159, 2022OPA-0209, 2022OPA-0227.



investigations that concluded with Not Sustained findings.² The remaining five—including this one—were designated Expedited Investigations.

a. Complaint

On July 27, 2022, SPD's chief of police received an email from a Grant County Sheriff's Office (GCSO) representative concerning criminal allegations made against NE#1. GCSO also included its investigative case files. The chief sent that information to OPA that same day. OPA opened an investigation.

b. Grant County Interagency Narcotics Enforcement Team Investigation

OPA reviewed a supplemental report prepared by the Grant County INET (the "INET Investigation"). The INET Investigation is summarized below.

On July 4, 2022, INET Member #1 (IM#1), a supervisor, received an email from the Source. The Source used a proton.me email with a handle "seattle####".³ The subject line read "Tip." The Source claimed to know someone who "transports fentanyl for a drug gang through state lines...this individual is a and [sic] and I know the whereabouts of the next drug shipment and pickup." IM#1 replied expressing interest in learning more about the tip and requesting a phone number to contact the Source and copying another INET Member #2 (IM#2), a Washington State Patrol Detective in the Internal Affairs Division assigned to INET. The Source replied by email on July 5 at 4:05pm as follows:

The individual who works for the drug syndicate is a corrupt police officer out of Seattle they use police resources such as mark43,WACIC,NCIC and other police databases and their position as a federal task force member to hinder their competition and further drug operations. It is my understanding that cases involving corrupt officers are difficult to work with due to their influence in the department and how likely it is that they would be notified by other officers in the department of internal investigations who work with them which is why I contacted you guys at the anti drug interagency narcotics enforcement team.

I've left you text messages as well please reach out to me at your earliest convenience.

-Thanks

[Source]

That same day at 6:05pm, the Source text messaged IM#2 requesting a phone call. The Source called IM#2 and stated the Source was aware of a "dirty" SPD detective assisted gang members trafficking fentanyl into Washington State. The Source claimed to be in contact with the gang members and that the SPD detective raised their price to a point that was no longer reasonable. The Source claimed the gang members wanted to get the detective out of the picture

² 2021OPA-0534 and 2022OPA-0077

³ The Source's handle used numbers, hashtags are used here for anonymizing and as this information is not relevant to the disposition of this case. Proton.me is a email, calendar, drive, and VPN service that markets itself on privacy. As of the date of this DCM, its landing page prominently reads: "Proton is privacy by default" and "Welcome to a better internet where **privacy and freedom come first.**" (emphasis in original). Proton is based in Switzerland and access to its records require compliance with Swiss law. See Information for Law Enforcement, available at <https://proton.me/legal/law-enforcement>.



to reduce costs. The Source claimed to be able to provide times and places of incoming shipments so that law enforcement could witness the transactions and the involvement of the SPD detective. IM#2 asked the Source if they would be willing to provide their identity. The Source declined but replied it was possible later. IM#2 explained the credibility of the anonymous tip would be “low” without some other form of proof. The Source agreed to send further information by text message and the call ended.

Over the following days, the Source and IM#2 texted back and forth:

July 5, 2022

Source: *I will text you location and times as well as any other information I get*

IM#2: *Ok thank you*

Source: *But I have a quick question*

IM#2: *Yeah go ahead*

Source: *If I gave you the location and time of the drug pickup how would you guys use that information?*

Source: *Because you need a certain amount of evidence to make an arrest correct?*

IM#2: *I don't really discuss tactics, but we would try to start building a case which requires us to present known facts that would lead a reasonable person to believe that crimes were being committed. So yes, it would take time, we would have to start building the case from the ground up. It's not simple work. More evidence we have the easier and faster it is.*

IM#2: *Have to identify everyone, make sure it's really drugs they are dealing with good evidence and then get evidence of the transactions in order to make the case. Now, dirty cop, we should be able to move on that a little bit faster than a normal case.*

IM#2: *Why?*

Source: *What if I can provide photos taken by someone Int he [sic] gang unit I know*

Source: *Would that help?*

Source: *and videos*

IM#2: *Yep, that would speed it up by a ton*

Source: *Ok I will work on getting that*

Source: *can you keep this information confidential and not ask any outside agencies like Seattle until I get the evidence for you*

IM#2: *I won't risk the information. It stays with my group, we don't trust anyone until we have to. I know how stuff leaks out even in my world.*

Source: *Thank you*

July 6, 2022

Source: *Do dirty cops really get held accountable?*

IM#2: *In my career, I have arrested or was involved with investigating and arresting two cops who both lost their jobs and were prosecuted. One for DUI and one*



for on duty drug use/dealing. The judges did not go easy on them. This is my favorite case to work. The do get held accountable. Nobody liked dirty cops. I genuinely joined law enforcement to help my community and will make sure this is handled effectively. Did you get any videos or pictures?

Source: *Spoke with an individual they said the next pickup they will discreetly [sic] film video/audio*

Source: *Asked when the next one is waiting on their response now*

IM#2: Ok

IM#2: Can you get me the phone number of the dirty cop?

IM#2: And a picture if possible

Source: *Yed [sic]*

Source: *Yes*

IME#2: Ok thank you

July 8, 2022

IM#2: Have you had the chance to get the phone number?

IM#2: The sooner I can identify the better

Source: *[NE#1]*

Source: *Federal task force officer*

Source: *and one other guy still working on that*

Source: *[Image #1]⁴*

IM#2: Ok thank you. I can start working on this now. Anything else you can find will be helpful. Stay in touch and take care

Source: *Hope this helps*

July 11, 2022

IM#2: Have you heard anything from the guys and have you gotten the phone number yet??

July 14, 2022

IM#2: Hi [Source], haven't heard from you for a bit so just seeing if everything is ok. Hope you are well!

July 18, 2022

IM#2: Just checking in

⁴ Image #1 was identical to a screenshot provided by Complainant #1 in 2022OPA-0209. Image #1 was a screen capture from a website that described itself as a database of LinkedIn profiles of law enforcement and intelligence officers. Image #1 had a picture purportedly of NE#1 that appeared to be pulled from her LinkedIn profile. Image #1 also had text that described NE#1's various job experiences and qualifications.



Unspecified date between July 18 and July 25, 2022, reading "Today"

IM#2: Hey [Source], just wanted to get an update one way or another. Thanks

IM#1 and IM#2 discussed whether or not the information provided was credible. Ultimately, IM#2 concluded they did not yet believe the Source's provide credible information and the Source stopped responding before supplying credible evidence. IM#2 wrote: "It is impossible to know if this is a credible tip or a smear campaign against [NE#1] due to the limitations of our investigative abilities so far and the lack of follow-up information provided by [Source]." IM#2 also documented that, in his opinion, the Source sounded on the phone like "a mid-20's Hispanic male" and that the Source "very specifically used non-street-like vernacular" and was "more cop-like than street like." IM#2 also stated the Source "referred to the gang members as 'gang members' which someone in gang culture would not likely do."

c. Criminal Referral to U.S. Department of Homeland Security Investigations

After reviewing the INET Investigation, OPA referred this matter as a criminal investigation to SPD's Investigation Bureau. OPA requested SPD, at its discretion, "request that an outside law enforcement agency conduct a criminal investigation." SPOG CBA Article 3.7. SPD referred the matter to United States Department of Homeland Security, Homeland Security Investigations (HSI). HSI documented their review in a memorandum ("HSI Investigation"), the details of which are provided below.

HSI reviewed the INET Investigation, conducted records checks utilizing federal data bases, and interviewed those involved "where able."

HSI noted that, prior to their involvement, the incident was already reviewed by GCSO and Washington State Patrol INET members, who determine the "allegation was most likely false." HSI also attempted to contact the Source without success and determined the phone number used was "associated with a third-party typically used for pre-paid phone numbers." HSI was unable to identify the Source.

HSI investigated the underlying allegations against NE#1 but "was unable to find any information that would indicate [NE#1] was engaged in narcotics trafficking."

HSI concluded they were, "unable to identify the [Source], corroborate any information provided, nor identify any derogatory narcotics activity related to the subject of the complaint."

d. OPA Intake

OPA reviewed the INET Investigation and HSI Investigation. OPA also attempted to contact the Source by phone and email on multiple occasions without success.



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 Source alleged NE#1 violated the law by aiding a drug syndicate.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

OPA, like the other involved agencies, found no credibility to this allegation.

Overall, there is no actionable information for OPA to pursue: (1) OPA cannot contact or identify the Source, who went to extraordinary lengths to assure anonymity; (2) OPA cannot identify times, locations, or involved party names, as these were never provided by the Source, to conduct any meaningful review of NE#1's use of Department-provided devices or systems; (3) the HSI Investigation reviewed federal databases and conducted an investigation that was unable to either corroborate the information provided by the Source or identify any suspicious activity related to the subject of the complaint; and (4) under any test of anonymous-source credibility, the information provided by the Source was unreliable.⁵

Moreover, the global context of all the complaints filed against NE#1 cannot be ignored. First, the Source came forward with this allegation around the same time as the Complainants in 2022OPA-0209. Second, Image #1 was provided by both the Source and Complainant #1 in 2022OPA-0209. Third, OPA received a series of complaints during the same timeframe against NE#1, none of which have resulted in sustained findings against NE#1. Fourth, as OPA has conducted investigations and intakes for these complaints, OPA has noticed specific patterns of behavior, such as a frequency of anonymous complaints, use of proton.me emails, and initial promises of "evidence" that are either unfulfilled entirely or entirely innocuous. Fifth, in her OPA interview for 2021OPA-0534, NE#1 provided OPA with video footage, obtained by a warrant, of a conversation between two recent complainants—who also are criminal defendants in a pattern robbery case investigated by NE#1—joking on the phone about filing complaints against NE#1 and threatening NE#1.

Given the absence of any corroborating evidence, the unreliability of the Source, and consideration of the context with factual connections to this case, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 5.001-POL 13. Employees Will Not Use Their Position or Authority for Personal Gain

The Source alleged NE#1 used her position for personal gain by using Department resources and her position on a federal task force to aid a drug syndicate in exchange for money.

SPD employees are prohibited from using their position or authority for personal gain. (SPD Policy 5.001-POL-13.)

⁵ See generally, *Illinois v. Gates*, 462 U.S. 213 (1983), *overruling* two-prong test established by *Aguilar v. Texas*, 378 U.S. 108 (1964) and *Spinelli v. United States*, 393 U.S. 410 (1969)



For the reasons set forth above at Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #3

5.170-POL-7 No Employee Shall Use or Possess any Controlled Substance, Except at the Direction of a Medical Authority

The Source alleged NE#1 possessed controlled substances by trafficking fentanyl across state lines.

SPD Policy 5.170-POL-7 prohibits Department employees from using or possessing any controlled substances, except at the direction of a medical authority.

For the reasons set forth above at Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #4

12.040-POL-3-Using Department Devices. 3. Personal Use of Department-Provided Devices Must Follow Department Guidelines

The Source alleged NE#1 misused Department-provided devices by accessing them for personal gain.

SPD Policy requires officers only use Department-provided devices within certain guidelines.

For the reasons set forth above at Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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