

## CASE SUMMARY – REPORT OF INVESTIGATION

**Date:** April 19, 2023

**To:** Gino Betts  
Director – Office of Police Accountability

**From:** Kris Cappel, Esq.  
Seabold Group

### I. COMPLAINT SUMMARY

On June 8, 2020, the Seattle Police Department (SPD or Department) withdrew from the East Precinct located in Seattle’s Capitol Hill neighborhood, at that time the scene of protests following George Floyd’s death. On the evening of June 9, 2020, the Department disseminated an internal safety bulletin stating:

On June 8, 2020, all SPD demonstration management and patrol resources were removed from the area of the East Precinct. The building was secured. Shortly afterwards, elements of the protest crowd established a perimeter of what they have labeled the Capitol Hill Autonomous Zone.<sup>1</sup>

The organizers of this movement have posted their own security cadre at all of the vehicle access points to the area. Many of the individuals at those locations have been seen openly carrying a combination of long guns and sidearms. The group appears resolute in their objective of preserving control of the area. They are challenging anyone entering the area, often demanding to see identification and questioning their right to be there.

Open carry sentries have been observed at the barricades on 13<sup>th</sup> Avenue at Pine Street, 12<sup>th</sup> Avenue at Pike Street and Pine Street, 11<sup>th</sup> Avenue at Pike Street and Pine Street at Nagle Place, as well as directly in front of the Precinct. Organizers have used social media platforms to call for more people with weapons to assist in staffing the barricades around the clock.

SPD employees are advised to use caution when working in the area.

On the afternoon of June 10, 2020, Assistant Chief (AC) Deanne Nollette led a press conference, during which she reported that protesters had established armed check points and that the Department had “heard anecdotally of citizens and businesses being asked to pay a fee to operate within this area” (referring to the protest zone known as the CHAZ). Later that evening, the Office of Emergency Management (OEM) distributed an email that included information contradicting AC Nollette’s

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<sup>1</sup> The protest zone was originally referred to as the Capitol Hill Autonomous Zone (CHAZ) and later renamed the Capitol Hill Occupied Protest (CHOP).

comments regarding armed checkpoints and claims of extortion. Chief Carmen Best was copied on the email, but AC Nollette was not.

On June 11, 2020, Chief Best's pre-recorded video to her officers regarding the status of the recently closed East Precinct was posted on the SPD Blotter at 10:58 a.m., after SPD learned that it had been leaked to the public. Near the end of her address, Chief Best stated:

We have heard there are armed people 'patrolling' the streets near 12<sup>th</sup> and Pine. Of course, this is very concerning, especially because we don't know who these people are. We've also received reports that these armed people may be demanding payment from business owners in exchange for some of that protection. We've also heard that they may be demanding to see identification from people who live in the area. This is not legal, and we've asked anyone who may be experiencing this to come forward and file a police report so that we can investigate these crimes.<sup>2</sup>

Later that day, Chief Best participated in a press conference with Mayor Jenny Durkan. In response to a reporter's question, Chief Best clarified that reports of armed protesters and claims of extortion was based on anecdotal information and that there had been no formal reports of such incidents as of the date of the press conference. She further stated that the information was being shared to encourage people to come forward if the reports were accurate.

On June 11, 2020, the Office of Police Accountability (OPA) received a citizen complaint alleging that Chief Best and other SPD employees intentionally disseminated false information about the establishment of armed checkpoints, demands for identification, and extortion of businesses and residents.<sup>3</sup> The OPA conducted an intake and preliminary investigation of these claims. Seabold Group was retained to review the OPA's Case Summary – Report of Investigation to determine whether additional investigation was warranted, and if so, to conduct the necessary follow-up investigation. Below is our summary of additional investigative steps and findings of fact.<sup>4</sup>

## **II. NAMED EMPLOYEE & SUMMARY OF ALLEGATIONS**

Chief Best is the only named employee in this investigation. The complainant alleged that Chief Best knowingly and intentionally disseminated false statements that protesters had established armed checkpoints in the CHAZ, were demanding identification to enter that area, and were extorting local businesses and residents. The OPA designated the following potential policy violations:

- 5.001 – Standards and Duties 10. Employees Shall Strive to be Professional.
- 5.001 – Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication.

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<sup>2</sup> The link to Chief Best's video address is <https://www.youtube.com/watch?v=iH0BwJdw28I>.

<sup>3</sup> A copy of the initial complaint is attached as Exhibit 1.

<sup>4</sup> The associated case number is OPA 2020-0355.

### III. RECORDS REVIEW

In this investigation, Seabold Group reviewed the OPA Case Summary – Report of Investigation and the accompanying records provided by the OPA.<sup>5</sup> Those records are incorporated herein by reference and will not be restated verbatim in this report.

In addition, Seabold Group reviewed relevant documentary and video evidence to include the June 10, 2020 OEM email noted above, a class-action complaint filed by Capitol Hill business owners and residents against the City of Seattle (City) regarding the establishment of the CHAZ, livestreaming video of the CHAZ during relevant periods, and SPD body-worn video cited by AC Nollette. Seabold Group also interviewed AC Nollette and Laurel Nelson, the interim OEM director at the time these events occurred in June 2020. Finally, Seabold Group conducted an extensive review of available social media and other media reports relating to Chief Best’s allegedly misleading statements.

Seabold Group attempted to interview Chief Best, but she declined to participate in the investigation.

### IV. SUMMARY OF FINDINGS

Chief Best was accused of knowingly and intentionally disseminating false statements that protesters had established armed checkpoints in the CHAZ, were demanding identification to enter that area, and were extorting local businesses and residents. The statements at issue included the following:

#### June 11, 2020 YouTube Video

“We have heard there are armed people ‘patrolling’ the streets near 12<sup>th</sup> and Pine. Of course, this is very concerning, especially because we don’t know who these people are. We’ve also received reports that these armed people may be demanding payment from business owners in exchange for some of that protection. We’ve also heard that they may be demanding to see identification from people who live in the area. This is not legal, and we’ve asked anyone who may be experiencing this to come forward and file a police report so that we can investigate these crimes.”

#### June 11, 2020 Press Conference

“[Regarding reports of armed protesters extorting business owners] We had heard through folks anecdotally, that these things were occurring. We haven’t had any formal reports of this occurring other than people have mentioned it through the news media, social media posts, but no one has come forward with a police report. So if that does happen, we are encouraging people who experience that to please notify us and we can follow up on it. But that has not happened affirmatively.”

This investigator finds that there was factual support for Chief Best’s statements that the SPD observed or was informed that “armed” protesters were “patrolling” portions of the CHAZ.

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<sup>5</sup> A copy of the Case Summary without attachments is attached as Exhibit 2.

Chief Best’s representation that “armed people may be demanding payment” was based on a single, unverified source that was not properly vetted or corroborated, and that was likely shared with Chief Best by Assistant Chief Nollette. The underlying source of information consisted of a single post on social media by “Marcus S.” The existence or authenticity of Marcus S has never been verified, and the post did not mention that protesters demanding payments were “armed.”

There was insufficient information to corroborate Chief Best’s representation that protesters were demanding to see identification from people who lived in the area. There was substantial evidence that before Chief Best issued her statement on June 11, people were able to enter and exit CHAZ unobstructed. Chief Best may have relied on a June 9, 2020 internal safety bulletin that appears to have been exaggerated with respect to the claim that protesters were “challenging anyone entering the area” and that they were demanding to see identification.

This investigator is unable to conclusively determine what Chief Best knew or was told about the factual source of the extortion claims and representations regarding demands for identification, and therefore cannot conclude that she knowingly and intentionally disseminated false information.

## V. SUMMARY OF INVESTIGATION

### A. OPA’s Preliminary Review

#### 1. *Chief Best*

OPA staff interviewed Chief Best on January 13, 2021, regarding another OPA investigation. Conditions at the CHAZ after the SPD withdrew from the East Precinct came up during that interview. Chief Best stated that the day following the SPD’s withdrawal (June 9), she reviewed video footage of SPD officers “approaching the precinct and they were basically told to get off, get the F out of their sovereign property.” Chief Best also recalled that the video “showed four armed people standing there.” She said that she reviewed additional video (without describing details) and that she visited the CHAZ herself to observe the conditions on the ground. (Chief Best was not asked for and did not offer any details of what she personally observed or when she made those observations.) When asked about the source of her information that protesters were potentially extorting people, Chief Best responded:

[Chief Nollette] was hearing that people were making people pay them to get into the neighborhood. Right. And so we looked, there were no reports of that. We had no reports of that. So Chief Nollette gave an interview saying that I was standing there. [sic] And what I heard, the message should have been is that we’re getting reports that people are, you know, the people are stealing money from these folks in the neighborhood. If you are a victim, if that has happened to you, let us know. Call us and let us know. So that was how I understood it. So I didn’t need to, we didn’t need to walk them back. It was . . . it was true. We, you know, it was reported to us that this was happening. But when we physically look for people reporting it, there weren’t any reports.<sup>6</sup>

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<sup>6</sup> Chief Best is referring to the press conference AC Nollette held on June 10, 2020. Chief Best did not provide (and was not asked) about the source of the information regarding claims of extortion.

Chief Best was also asked to respond to allegations that she lied about armed checkpoints and protesters demanding to see identification. She replied:

That is ridiculous. That is absolutely ridiculous. Why would, it doesn't even if [sic] this flies in the face in logic, why would we want to make up stories about the CHAZ and the CHOP that we were trying to figure out what to do to safely address the situation. . . .

So the last thing we need to do is to do anything that was going to inflame or incite anybody. I mean, the only thing was really looking for, true calm in the best way that we could find it. And you know, and we were trying to do that. And that's it.

In concluding the interview, Chief Best was asked whether things went relatively well in the CHAZ in the beginning and deteriorated much later, after the SPD first reported armed checkpoints and other issues. Chief Best said she didn't personally observe "any point where they're going well. And I understand that some people thought it was more like a big block party. But, you know, what I saw was very different."

## 2. *Assistant Chief Nollette*

OPA staff interviewed AC Nollette on October 29, 2020, as a named employee.

### a. June 10, 2020 Press Conference

AC Nollette held a press conference mid-day on June 10, 2020, to address the circumstances leading to the closure of the East Precinct and to provide information regarding the CHAZ.<sup>7</sup> Relevant to this investigation, AC Nollette stated:

We have been hearing from community members that they have been subjected to barricades set up by the protesters, with some armed individuals running them as checkpoints into the neighborhood. While they have a constitutionally protected right to bear arms and Washington is an open-carry State, there is no legal right for those arms to be used to intimidate community members. If someone feels threatened or intimidated, we ask that they call 911 and report the incident. No one at these checkpoints has the legal authority to demand identification from anyone. Again, we ask if anyone is subjected to these demands that they call 911 and report the incident. We have heard anecdotally reports that citizens and businesses were asked to pay a fee to operate within this area. This is the crime of extortion. If anyone has been subjected to this, we need them to call 911 and report the incident.

### b. October 29, 2020 Investigative Interview

AC Nollette was the assistant chief of investigations at all relevant times related to the 2020 protests. AC Nollette was asked to explain the factual basis of her statements at the June 10 press conference in which she stated that the SPD had information of armed checkpoints and potential extortion. AC

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<sup>7</sup> A copy of the press conference video can be found at: <https://www.facebook.com/KOMONews/videos/715787899246918>.

Nollette said she was aware of the June 9, 2020 safety bulletin and that she had spoken to command staff in the Criminal Intelligence Unit (CIU) before the bulletin was issued about “the armed checkpoints and about the concerns we had about officer safety in the area.” When asked about the source of the CIU’s information, AC Nollette replied:

[E]veryone within the Department had this information in addition to the media and the public at the time. There were photographs that were posted online. There was livestreaming video that was posted online. There was media coverage at the time. And a number of us on the command staff had gone up to the area to see what the situation was, including myself [both before and after the safety bulletin was issued].

Regarding the livestreaming, AC Nollette said she reviewed some of the files in real time at the Real Time Crime Center, and sometimes, excerpts were saved for her later review.<sup>8</sup> Regarding her reference to “anecdotal” information in her comments at the June 10 press conference, AC Nollette said that referred only to the claims of extortion. Regarding the claims of checkpoints, display of weapons, and requests for identification, AC Nollette said she had personally observed and been subjected to those activities:

So the checkpoints I had seen myself. We had them recorded. We had seen them on the media.

...

They’d been on the livestreaming. I myself had been subjected to them. Our officers had been subjected to them. I have photographs of people standing at those checkpoints with long guns slung. I have video of people bringing guns to those checkpoints. That is not anecdotal. That is fact. It is a fact that there were checkpoints and people were being forced to go through them. It is a fact that the streets were blocked and people were not allowed to drive down the streets to go to their apartments and their businesses. It is a fact that people were being asked for ID at those checkpoints to see that they weren’t law enforcement and that they had reason to be in the neighborhood. Those are all facts.

The anecdotal part was there was a social media posting by a person purporting to own a business in the area who was saying that people came to his business and demanded \$500 in cyber currency for protection money. We didn’t have a police report at that time. We merely had the anecdotal information from social media. And, again, that’s where the assessment comes in. We couldn’t assess it without knowing who the business owner was. So part of the purpose of the press conference was to tell businesses if you are being subjected to this, it’s a crime, and you need to report it. That was why I used the word ‘anecdotally’ because at that point it really was – it was not a confirmed police report of illegal activity.

AC Nollette further stated that the establishment of armed checkpoints and demands for identification occurred immediately after the SPD left the East Precinct on June 8. She referenced body-worn video footage taken by officers who visited the protest area in the early morning hours of June 9, 2020, the

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<sup>8</sup> AC Nollette said that during the protest period, she spent considerable time in the Real Time Crime Center monitoring information coming into the center. That information included livestreaming video, media reports, and social media posts, in addition to intelligence provided by local and federal law enforcement agencies.

day after SPD left the East Precinct. AC Nollette recalled that the video footage revealed the officers walking to a checkpoint and being confronted by someone “with a long gun and someone with a handgun claiming that it was a sovereign area and that they couldn’t be there.”<sup>9</sup>

AC Nollette was not asked about communications with Chief Best regarding her press conference on June 10, or the information Chief Best shared with officers in her June 11 video, or Chief Best’s June 11, 2020 press conference.

c. Documentary Evidence Provided by AC Nollette

AC Nollette provided a packet of documentary information to the OPA at her investigative interview.<sup>10</sup> She indicated that the materials were a sampling of information that supported the statements she and others in the SPD issued regarding the existence of armed checkpoints, demands for identification, and claims of extortion. AC Nollette was not asked, and likely would not have been able to say with any degree of certainty, that she relied on this information in making her public statements. Some of the information she provided appears to have been published after June 11, 2020, the date of Chief Best’s video address and press conference and, therefore, was not available at the time of their initial statements. Information she provided dated June 11 or earlier included unverified information from blogs, Twitter feeds, comments to media reports, and anonymous sources, allegedly including two SPD officers. Some of the documentary information provided by AC Nollette clearly supported SPD’s representations that CHAZ protesters had erected multiple barricades and blocked traffic from entering the zone after the SPD left the East Precinct, a fact that is well-established and not reasonably subject to debate.

AC Nollette also provided a copy of a post on the Capitol Hill Seattle Blog by “Marcus S” on June 9, 2020, at 11:38 p.m. The post read:

I’m a business owner in the area; my business was entered this evening by a group of six Free Cap Hill participants who requested I pay \$500 to help finance what they said was community security and protection. They said they will accept cash or Bitcoin; I told them I would prefer to pay in the latter in hope it would buy time. They’re supposedly coming back tomorrow to give me digital wallet details (none of them actually had that info when they showed up; I’m assuming there’s a leader or someone in the background who keeps it). Even \$500 is going to be a hit for us as we only just reopened but I’d rather pay than ask for trouble.

That same evening at 11:40 p.m., Marcus S added: “I also am hoping they provide some more clarity as to whether this is a one-time or recurring payment and how often payment is expected.” AC Nollette stated that this was the post that formed the basis of her public statements about potential extortion.

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<sup>9</sup> AC Nollette did not recall the date that the livestreamed incidents she described occurred. Although there were discussions at her investigative interview of those incidents occurring on June 6, the video was actually recorded on the morning of June 9, 2020, the first morning after the SPD withdrew from the East Precinct.

<sup>10</sup> That information was included in the investigative files the OPA provided to Seabold Group.

Finally, one of the documents provided by AC Nollette in support of her public statements about the conditions in the CHAZ was a class-action complaint, filed in federal court on June 24, 2020, by 15 Capitol Hill businesses and residents against the City of Seattle. The complaint alleged in part:

In the days and weeks after the City abandoned the East Precinct, CHOP participants have occupied the public streets, sidewalks, and parks in the area at all hours of the day and night.

At any given time, hundreds of CHOP participants are camped out in [Cal Anderson Park]. Violence, vandalism, excessive noise, public drug use, and other crimes are rampant within the park.

[T]he City recently provided participants with concrete barriers to use to block the streets, which CHOP participants have indeed used to barricade the streets and create borders. These borders have, at times, been guarded by armed CHOP participants who oversee who can or cannot enter CHOP.<sup>11</sup>

The complaint includes detailed allegations that generally support claims that the CHAZ, at times, devolved into a lawless, threatening, and unsafe environment for many business owners and residents. The allegations also corroborate statements that, at times, armed CHOP protesters were stationed at the perimeter barriers, and they sometimes demanded individuals to explain who they were and why they were entering the CHAZ.<sup>12</sup> None of these allegations, however, specify the dates of these incidents, and there was insufficient information available to conclusively determine that Chief Best or AC Nollette had personal knowledge of the incidents before they issued their statements.

### *3. Lieutenant John Grant Ballingham*

OPA staff interviewed Lt. Ballingham on October 23, 2020, as a witness. Lt. Ballingham was a lieutenant in charge of the SPD's CIU at all relevant times. The CIU was responsible for conducting ongoing risk/threat assessments associated with the CHAZ.

Lt. Ballingham distributed an "Officer Safety Bulletin," entitled "Armed people 12<sup>th</sup> and Pine June 9 2020," on June 9, 2020, at 8:07 p.m. That bulletin stated:

On June 8, 2020, all SPD demonstration management and patrol resources were removed from the area of the East Precinct. The building was secured. Shortly afterwards, elements of the protest crowd established a perimeter of what they have labeled the Capitol Hill Autonomous Zone.

The organizers of this movement have posted their own security cadre at all of the vehicle access points in the area. Many of the individuals at those locations have been seen openly carrying a combination of long guns and sidearms. The group appears resolute in their objective

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<sup>11</sup> A copy of the June 24, 2020 class-action complaint is attached as Exhibit 3. It was amended in July 2020 to add additional plaintiffs.

<sup>12</sup> See, e.g., paragraphs 7, 35, 38, 45, 64, 88, 106, 111, and 113.



of preserving control of the area. They are challenging anyone entering the area, often demanding to see identification and questioning their right to be there.

Open carry sentries have been observed at the barricades on 13<sup>th</sup> Avenue at Pine Street, 12<sup>th</sup> Avenue at Pike Street and Pine Street, 11<sup>th</sup> Avenue at Pike Street and Pine Street at Nagle Place, as well as directly in front of the Precinct. Organizers have used social media platforms to call for more people with weapons to assist in staffing the barricades around the clock.

SPD employees are advised to use caution when working in the area.<sup>13</sup>

Lt. Ballingham was asked why this bulletin was disseminated. He replied that the CIU had received “irrefutable evidence on social media platforms, ... publicly available, open-sourced social media platforms, that there were in fact ... individuals armed with long guns and sidearms within ... this area that became known as CHAZ or CHOP.” “[A]nd that ... individuals entering that area were being challenged for their right to be there.” In his investigative interview, Lt. Ballingham referred to video showing uniformed SPD officers being told they had no right to be there.<sup>14</sup> Lt. Ballingham also reported that the CIU was receiving real time information from plainclothes officers who were embedded in the CHAZ and who reported barricades, “staffing of the barricades,” and “the presence of weapons.” He also cited “social media posts asking people to respond to the area with their weapons to help secure the borders of the autonomous zone.”<sup>15</sup> Lt. Ballingham said that based on that information, the CIU determined that a safety bulletin was warranted.<sup>16</sup>

Lt. Ballingham stated that the reports from undercover officers were not documented, and he did not believe that the CIU was archiving the live feeds or other social media posts they were monitoring during this period.<sup>17</sup>

Lt. Ballingham did not know whether Chief Best was aware of the June 9 safety bulletin, but he said he had multiple conversations with Chief Best about the “activities” within the CHAZ and assumed that she was aware of the bulletin.

Lt. Ballingham was asked to comment on individuals who had reported that they entered the CHAZ unobstructed, were not asked for identification, and had not observed any weapons. Specifically, he was asked, “[H]ow would you explain that in comparison to this bulletin, then?” He replied that they were

<sup>13</sup> A copy of the safety bulletin and accompanying email is attached as Exhibit 4.

<sup>14</sup> The video Lt. Ballingham cited was not from an open-sourced medium; it was body-worn video of two officers who entered the CHAZ the morning of June 9, 2020. This is addressed in more detail below.

<sup>15</sup> One of the documents AC Nollette provided to OPA included a Twitter post on June 9, 2020, at 7:23 p.m., from the purported account of Seattle Antifa, stating, “We need more people with guns @ the CHAZ.”

<sup>16</sup> Lt. Ballingham reported that at the time of these incidents, CIU did not have a formal process for assessing the credibility of the information they were receiving regarding the conditions in the CHAZ. He said, “We just relied on the ... experience and the expertise of the personnel in our unit to take the information, examine it, review it, put it in its proper context, and then if we had reason to believe that it was ... credible to some degree, then we would pass that along ... as intelligence [to decision-makers].”

<sup>17</sup> Lt. Ballingham said there came a time when the CIU was directed to save the livestream and social media feeds, but he could not recall when that directive was issued and stated he did not believe it was in effect at the time of these events.

likely in a place where the activity was not occurring at the time, but that the zone included many city blocks, and when they were at one end of the zone, at the other end of the zone, “there could be three or four people, armed to the teeth, and challenging anybody who came up to the barricades, and those . . . two events can happen simultaneously, and they’re both accurate.”

## B. Seabold Group’s Investigation

### 1. *June 8, 2020 Livestreaming by Raz Simone*

Seabold Group reviewed over five hours of livestream video taken by Raz Simone and his associates during the late evening of June 8, 2022, into the early morning hours of June 9, 2020, which was the first night that the SPD had vacated the East Precinct. Mr. Simone was considered and self-identified as one of the leaders of the CHAZ.<sup>18</sup> Mr. Simone was wearing a sidearm throughout this video.

For the first hour and a half, the livestream captures protesters listening to speakers at 12<sup>th</sup> Avenue and Pine. At approximately the 1:45 mark of the livestream, Mr. Simone was informed by his female associate that there were reports of an armed male with face tattoos in the area. Mr. Simone can be heard to say, “we need more who know how to use firearms” and asked his followers whether there was somebody “over there who is 18” and who knows how to use a gun. At that point, Mr. Simone walked to a parked car and removed two long guns from the trunk. He asked for a volunteer to take one of the guns. A white male came forward, and Mr. Simone is observed showing this individual how to insert and remove the clip from the long gun. From that point, Mr. Simone and the other individual continued to openly brandish their respective long guns. Mr. Simone again issued a request on his live feed for anyone knowing how to handle a gun “to come out here.” From that point, Mr. Simone began to visit various access points into the CHAZ, volunteering on his feed that, “This is for protection. We don’t want anyone coming through with any bull\*hit.”

Near this same time, Mr. Simone began to receive reports that a group of armed Proud Boys were in the area and potentially enroute to the CHAZ to confront the protesters. Mr. Simone used a megaphone to announce to the crowd that white supremacists were at Pioneer Square and planning to come to the CHAZ. He said it was important that they have “protectors and warriors on the outside.” He encouraged the crowd to “stay calm,” stating, “We have armed guards at the barriers.” He also stated, “We have the whole perimeter reinforced so everybody is keeping everybody safe.” Several times throughout the livestream, Mr. Simone referenced a need for more armed protesters and that there were armed guards stationed at the barriers. There were multiple references in the livestream to SPD radio communications reporting that there was a large contingency of armed Proud Boys approaching the CHAZ at various times during the evening and morning hours.<sup>19</sup>

There was also footage of several groups of individuals approaching the CHAZ and being told to put their hands up and to explain their purpose in entering the CHAZ. Other times there were reports of suspicious cars or individuals that were followed up on by the protesters. Multiple individuals inside the

<sup>18</sup> The SPD knew of Mr. Simone and was monitoring his livestreams. His livestream was posted on Facebook and the link was still active at the time of the investigation. See <https://www.facebook.com/razsimone/videos/264830291498845/?app=fbl>

<sup>19</sup> The SPD was aware that protesters were regularly monitoring police scanners.

CHAZ were captured on the livestream brandishing handguns and long rifles. It was clear from the livestream that the primary safety concern that evening was a potential confrontation with armed members of the Proud Boys. The OPA investigated the SPD communications regarding the Proud Boys and found that the SPD intentionally disseminated “fake radio communications,” beginning the evening of June 8, 2020, that armed members of the Proud Boys were planning to confront protesters located in the CHAZ. The OPA further concluded that this violated SPD policies and exacerbated an already volatile situation in the CHAZ.

## 2. June 9, 2020 Body-Worn Video

On June 9, 2020, at approximately 5:00 a.m., two uniformed SPD officers entered the CHAZ at 13<sup>th</sup> Avenue and Pine. Their body-worn video was activated, and Seabold Group reviewed the entire video.<sup>20</sup> The purpose of their visit was to locate and establish communications with protest leaders. Initially, the officers encountered an unarmed female at the barricade on 13<sup>th</sup> Avenue and Pine. She did not request identification, and their exchange was friendly. As the officers walked deeper into the zone, multiple barriers were visible. As they approached the intersection of 12<sup>th</sup> Avenue and Pine, the officers encountered six protesters sitting or standing under a canopy. They tried to engage in a conversation but were told by one of the males that he “didn’t enjoy” talking to them and asked, “What do you want by talking to someone?” One of the males also said, “I have zero respect for what the f\*ck ya’ll have done,” and “You all have the balls to walk in here.” Shortly thereafter, four more males approached the officers, one of whom announced that he was the “self-appointed safety committee community watch.” The interaction was friendly until another male, not visible in the video, can be heard yelling, “All you pigs get the f\*ck out, this is an autonomous zone.” That individual approached the officers and assumed an aggressive posture. This individual was wearing a clearly visible handgun on his right hip.

One of the other males, in hopes of de-escalating the situation, suggested moving toward 13<sup>th</sup> Avenue to continue their conversation. The two officers remained calm and professional during the entire exchange, but the male who yelled obscenities continued to be aggressive and confrontational, stating that he would “escort the officers out of the area.” The officers also repeatedly informed the protesters that they were interested in having a dialogue to determine what the protesters wanted. As the officers retreated to the 13<sup>th</sup> Avenue and Pine barriers, additional protesters emerged, including another male who was wearing a holstered handgun. He told the officers, “We don’t have our spokespeople here.” He was not aggressive, and several of the protesters engaged in cordial discussions with officers for a couple minutes. The protesters who were captured on the video did not appear to be standing guard at the barriers. They came from various locations within the zone. The male who screamed obscenities accompanied the officers out of the area and continued to be confrontational and belligerent. At one point a female protester physically restrained him, encouraging him to return to the CHAZ.

In summary, the video clearly showed that multiple barriers had been erected in the CHAZ. The officers were asked why they were there, but they were not asked for identification. The officers repeatedly explained the reason for their visit and voluntarily provided their business cards to several of the protesters. The body-worn video also showed two males wearing sidearms, one of whom was noticeably agitated and confrontational, and who demanded that the officers leave the area.

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<sup>20</sup> The video is attached as Exhibit 5.

### 3. *Laurel Nelson – Interim OEM Director*

Ms. Nelson was the interim OEM director in June 2020. She stated that until January 2021, the OEM was a business unit within the SPD. In January 2021, the City changed the organizational structure, and it is now an independent office. While it operated under the SPD, the previous director regularly attended SPD command staff meetings. Ms. Nelson became the interim director in March 2020, but she said she did not continue the practice of attending command staff meetings.

Ms. Nelson stated that during the George Floyd protests, the OEM activated its emergency operation center (EOC). Representatives from City departments were assigned to work in the center, including three or four representatives from the SPD, who served as liaisons between the EOC and the Seattle Police Operations Center (SPOC). Ms. Nelson said that different department representatives monitored different livestreams and publicly available social media posts. The department representatives were the primary source of information collected and disseminated by the EOC. Ms. Nelson did not recall if the SPD was monitoring livestreams and social media accounts while they were physically located in the EOC.

During the activation period (May 29 through June 14, 2020,) the EOC facilitated briefings, which occurred every hour or every two hours. That process included disseminating “snap-shot reports” of available information to various people and organizations, including departmental representatives, City Council members, and other stakeholders and outside agencies. The EOC also facilitated conference calls with the various representatives. The calls were not recorded or archived, and participation was not tracked in any systematic manner. Ms. Nelson did not know if Chief Best ever participated in the conference calls.

#### June 10, 2020 OEM Emails – 2:00 PM East Precinct Call Notes

On June 10, 2020, Ms. Nelson distributed two emails regarding the status of the East Precinct/CHAZ. Ms. Nelson said she drafted the first email, likely relying on notes provided by others, but she couldn't be certain. The first email reads in relevant part:

OEM has followed up on secondhand information about persons being asked to show IDs. OED is trying to verify this information. Residents of the Sunset building report that they have had ID checked once and have had an entrance to their building blocked. They are reporting that they are experiencing hostile behavior from some group members. SPU reports that the barricade to that building appears to have been removed but is available to check. There are also some reports that some businesses are being asked for protection money. Residents are being asked to report those instances to 911.

That version of the email was distributed at 5:59 p.m., several hours after AC Nollette's press conference. Ms. Nelson did not recall the specific sources of information she relied on in drafting the email but stated she would have likely relied on representatives from the Office of Economic Development (OED), Seattle Public Utilities (SPU), and several others, because they were onsite at the CHAZ.

At 6:10 p.m. on June 10, Ms. Nelson distributed an “amended” email. She did not recall whether she drafted the amendment but stated that they had obviously heard from Mami Hara, the former SPU director. The amended email strikes through “OEM has followed up on secondhand information about persons being asked to show IDs. OED is trying to verify this information. Residents of the Sunset building report that they have had ID checked once and have had an entrance to their building blocked. They are reporting that they are experiencing hostile behavior from some group members,” and “There are also some reports that some businesses are being asked for protection money.” The subsequent email added:

Amendment: Per Mami’s site visit. No blockage at alley. SDOT had a Jersey barrier there until yesterday morning. Sunset Electric and building manger [sic] have no complaints nor have heard complaints from building residents. Upon talking with every business that is open inside the perimeter and several on the outside, almost all say they have been treated well and respectfully – no shakedowns, no ID requested. A hotdog vendor at 12th and Pine, who is out there every night till around 9, stated he has not seen any ID checks, barrier turn backs (he’s next to one), or weapons.<sup>21</sup>

Ms. Nelson stated that EOC staff did not visit the CHAZ and had no personal knowledge of what was being observed. She also did not know whether SPD representatives assigned to the EOC had personal knowledge of the conditions within the CHAZ. Finally, Ms. Nelson said she did not discuss either of these emails or the information contained therein with Chief Best or AC Nollette.

#### *4. June 11, 2020 Press Conference – Chief Best*

On June 11, 2020, Chief Best appeared at a 33-minute press conference with Mayor Durkan. Relevant to this investigation, near the end of the press conference, Chief Best was asked to respond to reports that armed protesters in the CHAZ were extorting businesses and residents. Chief Best replied:

We had heard through folks anecdotally, that these things were occurring.

We haven’t had any formal reports of this occurring other than people have mentioned it through the news media, social media posts, but no one has come forward with a police report. So if that does happen, we are encouraging people who experience that to please notify us and we can follow up on it. But that has not happened affirmatively.

In her remarks, Chief Best also referenced the fact that AC Nollette, who was present at Chief Best’s June 11 press conference, had given a press conference the day before to issue a similar request to businesses and residents to come forward if they were victims of extortion.

#### *5. June 11, 2020 – Efforts to Inspect the East Precinct*

AC Nollette reported that she personally experienced checkpoints and demands for identification. She also reported that she was prevented from entering the CHAZ and the East Precinct by an angry mob. Though we were unable to verify the dates and circumstances of checkpoints and demands for

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<sup>21</sup> The emails are attached as Exhibit 6.

identification, Seabold Group located and reviewed video footage and other media reports demonstrating that, on June 11, 2020, AC Nollette was turned back by an angry group of CHAZ protesters. Chief Best was also at the CHAZ that day and she was able to gain access to the precinct.

#### 6. AC Nollette's Follow-up Investigative Interview

AC Nollette was interviewed by Seabold Group as a witness.<sup>22</sup> AC Nollette confirmed that she was still the Chief of the Investigations Bureau, the position she held in the summer of 2020. AC Nollette's areas of responsibility included the CIU, which is now referred to as the Investigation Support Unit. In her role of overseeing CIU, she was deeply involved in receiving intelligence and other information gathered in connection with the protests and the establishment of the CHAZ.

AC Nollette stated that during the 2020 protests, she divided her time between her office and the Real Time Crime Center, both of which are located on the seventh floor of SPD headquarters, and making daily onsite visits to the CHAZ, which she said started in earnest after the SPD withdrew from the East Precinct. AC Nollette also said that during this period, she was participating in twice-a-day calls with command staff regarding real-time events.

Regarding the June 9, 2020 safety bulletin, AC Nollette said that would have been prepared by one of the on-duty detectives assigned to the Real Time Crime Center. AC Nollette knew about the bulletin before it was disseminated, but she did not know who drafted it. She also said it was unlikely that the Department could conclusively determine who was assigned to the center the day the bulletin was created. AC Nollette further reported that safety bulletins "are specifically for police use only." She added, "every bulletin at the bottom has an indicator in red that says confidential police use only" and "not for public display or distribution."<sup>23</sup> AC Nollette said she was not aware of any information to indicate that the June 9 bulletin was ever leaked to the public.

AC Nollette was asked whether in reviewing the June 9 bulletin, she ever believed it was "overstated or exaggerated." AC Nollette said, "Absolutely not." Among other things, the bulletin stated that "this movement have [sic] posted their own security cadre at all of the vehicle access points to the area." When asked whether she had personal knowledge of this information, AC Nollette said yes, that she had been onsite and witnessed security personnel made up of the protesters stationed at vehicle access points. She said they had heard the same from undercover detectives and SPD federal partners and that similar information was being reported by the media. AC Nollette further stated that she personally observed individuals with handguns and long guns posted at the locations noted in the safety bulletin.

Regarding the statement in the bulletin that protesters were "challenging anyone entering the area often demanding to see identification and questioning their right to be there," AC Nollette said that SPD and federal undercover agents, uniformed and plain clothed, reported being challenged and asked for ID and for the purpose of their visit upon trying to enter the CHAZ. That was the basis of AC Nollette's representation that protesters were demanding identification. When asked whether she recalled seeing reports that many people were observed entering and leaving the CHAZ freely without being asked for

<sup>22</sup> Both interview transcripts are attached as Exhibit 7.

<sup>23</sup> The bulletins also include in red print at the bottom: "Dispose of in Shredder only" and "Do not Forward or copy" in all caps.

identification or being challenged about their reason for being there, AC Nollette said she did not recall seeing those types of reports. AC Nollette added:

What I do recall is us hearing from a lot of the business owners that they were frightened of being seen as making any police reports or complaining publicly because they were afraid that their businesses would be targeted for additional graffiti or for being burned to the ground or them being assaulted.<sup>24</sup>

AC Nollette said that these types of conversations with business owners started after June 8, 2020.

AC Nollette was asked what triggered her June 10, 2020 press conference, and she responded:

[W]e had seen the situation in the occupied zone. We were concerned about business owners not reporting what was going on because they were fearful. We wanted to basically explain to the public how we had gotten where we were and then to make an appeal for anyone that needed police assistance to please call and report it.

AC Nollette recalled that Chief Best did not attend her press conference, but said that Chief Best approved AC Nollette's prepared statements that she read from during the June 10 press conference.

AC Nollette said her statement regarding "anecdotal" information reflected the one social media post from Marcus S and conversations with citizens "talking to us at the scene, people posting on social media, and people being interviewed in the regular mainstream media as well."<sup>25</sup> AC Nollette acknowledged that the social media post by Marcus S was unverified, which is why she used the term "anecdotally."

AC Nollette said she reviewed the body-worn video footage from the morning of June 9, 2020. She was also aware that Chief Best wanted to disseminate a video to the Department regarding the withdrawal from the East Precinct. AC Nollette was not involved in producing the video, but she was aware that Chief Best wanted to communicate that the conditions at the CHAZ were unacceptable, and AC Nollette was tasked with providing some of the source material cited by Chief Best in her video to the officers.

AC Nollette said she was present at the June 11, 2020 press conference with Mayor Durkan and Chief Best. She believed that Chief Best had personally observed armed checkpoints and demands for identification. She also recalled that the substance of Chief Best's remarks was discussed before the press conference, and AC Nollette had no concerns about the truthfulness or factual basis of the statements Chief Best planned to make at that press conference.<sup>26</sup>

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<sup>24</sup> AC Nollette was not aware of and documentation regarding these conversations and did not recall the names of any of the business owners with whom she spoke during this period.

<sup>25</sup> AC Nollette did not mention this additional information at her first investigative interview and Seabold Group was unable to independently verify the information she cited.

<sup>26</sup> None of Chief Best's prepared remarks addressed the statements at issue in this investigation. They were made in response to a reporter's question.

Finally, AC Nollette was asked about the June 10 OEM emails. AC Nollette said she had never seen the emails and was not aware that anyone involved with the EOC had reached the conclusions stated in the amended email. She said the conclusion “would have been as laughable then as it is now.” AC Nollette said she never spoke to Chief Best about the OEM emails and Chief Best never gave any indication to AC Nollette that she was aware of the contradictions included in the OEM’s amended email.

### C. OIG’s Sentinel Event Review – Wave 3

The Seattle Office of Inspector General, “in collaboration with community members and SPD, conducted a series of Sentinel Event Reviews (SER) to identify root causes of critical incidents that occurred between June 8 and July 1, 2020, during which SPD vacated the East Precinct and the CHOP was established. In its report issued October 11, 2022, SPD’s public comments during the June 10<sup>th</sup> press conference regarding armed checkpoints and allegations of extortion were one of the critical incidents addressed by the panel. Regarding the claims of armed checkpoints, the panelists cited some evidence from community panelists that they had observed that protesters had established checkpoints and were requiring identification from individuals entering the CHOP but it was not widespread, and the claim was contradicted by other evidence reviewed by the panel.

Additionally, the panel reviewed the same video cited in this report that demonstrated a few protesters carrying weapons on June 8 and 9, 2020. In its report, the panel found that:

The Panel saw little other evidence of armed individuals within CHOP using their weapons to intimidate or prevent either SPD or non-SPD personnel from entering the area. The Director of the Office of Emergency Management (OEM) sent an email to SPD officials in the early evening of June 10<sup>th</sup> stating a site visit by OEM had not uncovered any evidence of armed checkpoints. Despite these communications, Chief Best’s video published on June 11<sup>th</sup> continued to focus on intimidation in the CHOP.

Regarding the extortion claims, the panel cited the same post in the Capitol Hill Seattle blog referenced by this investigator that alleged attempted extortion. In its report, the panel wrote:

In the 24 hours after the press conference, several journalists and members of the community sought to verify the extortion claim but could not find evidence. Without the ability to confirm either case, the statement made in the press conference did not appear credible to [the] community.

News articles over the next year indicated SPD was, in fact, aware the claims were unconfirmed, both at the time of the press conference, and at the time of the video released by Chief Best on June 11<sup>th</sup>.

#### **Impact of Claims:**

Panelists voiced concern that SPD’s reactions to the CHOP were about potential or unconfirmed criminal activity and that SPD purposefully portrayed the CHOP as a dangerous area. Several Panelists noted SPD should have made efforts to communicate with business owners in Capitol



Hill to confirm the extortion and armed checkpoint claims or to memorialize the communications, but there is no record of such efforts.

## VI. SUMMARY OF FACTUAL FINDINGS

### Allegation that Chief Best Knowingly and Intentionally Disseminated False Information

The scope of this investigation is limited to the allegation that Chief Best knowingly and intentionally disseminated false information about the CHAZ in a June 11, 2020 video and during a June 11, 2020 press conference. Those statements were as follows:

#### June 11, 2020 YouTube Video

We have heard there are armed people ‘patrolling’ the streets near 12<sup>th</sup> and Pine. Of course, this is very concerning, especially because we don’t know who these people are. We’ve also received reports that these armed people may be demanding payment from business owners in exchange for some of that protection. We’ve also heard that they may be demanding to see identification from people who live in the area. This is not legal, and we’ve asked anyone who may be experiencing this to come forward and file a police report so that we can investigate these crimes.

#### June 11, 2020 Press Conference

[Regarding reports of armed protesters extorting business owners] We had heard through folks anecdotally, that these things were occurring.

We haven’t had any formal reports of this occurring other than people have mentioned it through the news media, social media posts, but no one has come forward with a police report. So if that does happen, we are encouraging people who experience that to please notify us and we can follow up on it. But that has not happened affirmatively.

Because Chief Best did not participate in this investigation, Seabold Group is unable to conclusively determine what information Chief Best received or relied on in making her public statements. However, based on Chief Best’s OPA interview, as well as the other information cited in this report, there was factual support for her statements that:

1. The SPD observed or was informed of “armed” protesters “patrolling” portions of the CHAZ; and
2. Protesters “may be” demanding payment from business owners.

The factual support for those statements included:

The SPD’s June 9, 2020 safety bulletin. That bulletin was prepared by the CIU for internal purposes only, and there was no indication of a motive or effort to use that bulletin to intentionally disseminate false information. It was undisputed at the time the bulletin was

drafted, that protesters had “established a perimeter” using barriers and other materials left behind by the SPD to limit entry into what became known as the CHAZ. The June 9 bulletin was likely in response to events on the evening of June 8, 2020, into the morning hours of June 9, 2020, when the SPD disseminated false information about the presence of armed Proud Boys. That misinformation resulted in CHAZ organizers stationing armed protesters at the CHAZ barriers. There was also factual corroboration that protesters were using “social media platforms to call for more people with weapons to assist staffing the barricades around the clock.” That corroboration included a Twitter post purportedly by Seattle Antifa and the livestream posted by Mr. Simone.<sup>27</sup>

June 9, 2020, SPD body-worn video corroborated the claim that there were armed protesters inside the CHAZ and that on that occasion they questioned the officers’ right to be there. The video also revealed one of the armed protesters demanding that the officers leave the area.

June 8-9, 2020 livestreaming by Mr. Simone conclusively established that armed protesters were patrolling the CHAZ, and that during the livestream, they at least attempted to establish and man checkpoints on the perimeter of the zone. The livestream confirmed that some of the protesters were “carrying a combination of long guns and sidearms.” The livestream also established that on several occasions, individuals entering the CHAZ were told to put their hands up and to explain why they were entering the CHAZ. On other occasions, suspicious cars were inspected and individuals inside the CHAZ who were considered suspicious were asked questions about their identity and reasons for being in the protest zone.

A Twitter post by “Marcus S” on June 9, 2020, at 11:38 p.m., alleged attempted extortion by the CHAZ protesters.

This investigator was unable to independently corroborate Chief Best’s representation that protesters were demanding to see identification from individuals who lived in the area. The information reviewed by Seabold Group that existed on or before June 11, does not indicate that protesters were routinely demanding to see identification, though that may have occurred in limited and isolated circumstances on the evening of June 8, 2020, when protesters were concerned that armed members of the Proud Boys were approaching the CHAZ. In contrast, there was substantial information that after the SPD left the East Precinct, and before Chief Best issued her statements on June 11, people were able to enter the CHAZ unobstructed, especially during the day.

Regarding the representation that SPD had received “anecdotal” reports of extortion, it appears to this investigator that the sole source of that claim was the unverified June 9, 2020 post by “Marcus S.” That post, however, did not state that “armed” protesters had demanded payment, therefore Chief Best’s statement in her June 11 video to that effect, does not appear to have been supported by this post. Additionally, the existence of a Capitol Hill business owner named Marcus S was never confirmed, and the SPD received no formal complaints of extortion before, during, or after the date that this comment appeared on the Capitol Hill Seattle blog. However, Seabold Group is unable to determine what Chief Best knew or was told about the factual source of the extortion claims, and therefore cannot conclude that she knowingly and intentionally made false claims about that issue.

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<sup>27</sup> It is unclear whether the Seattle Antifa post was ever verified by the SPD.

It is also relevant that Chief Best was cautious in her public statements and made it clear that the SPD had received no formal reports of extortion. Local and national media reported the story and claims of extortion became a prevailing narrative despite Chief Best's efforts to clarify that no formal reports had been received. SPD could have and should have clarified the source of the extortion reports at the time to avoid or mitigate the possibility that reports would be overstated and accepted as fact.

Regarding the OEM's June 10 email describing EOC's attempt to investigate the reports of armed protesters, demands for identification, and potential extortion, this investigator finds that the limited effort by the SPU's former director to confirm those reports, with negative results, was not dispositive and does not establish that Chief Best intentionally and knowingly disseminated false information. First, there is insufficient evidence to establish that Chief Best ever read OEM's emails. Additionally, despite the director's report that no one she interviewed had observed armed protesters, there was conclusive video evidence to the contrary that showed armed protesters patrolling the CHAZ on the evening of June 8 and on the morning of June 9. Further, the SPU director may not have been aware of the source of the SPD's information regarding potential extortion of business owners. The fact that none of the businesses interviewed by the director reported "shakedowns" did not disprove the existence of the Marcus S post.

In summary, information available to Chief Best before her June 11, 2020 public statements, established that her reports of armed protesters patrolling the CHAZ were materially accurate. Further, the SPD was aware of at least one social media post alleging attempted extortion, and Chief Best made clear that the information was not based on actual police reports. Chief Best's representation that protesters were challenging people who entered the CHAZ was supported in limited part by Mr. Simone's livestreaming on June 8-9, but there was insufficient information available to independently corroborate that protesters were routinely demanding to see identification from individuals entering the CHAZ. Chief Best, however, may have been relying on the CIU's June 9, 2020 safety bulletin, which would have provided a good faith basis for sharing information that was included in that report.