

CASE SUMMARY – REPORT OF INVESTIGATION

Date: May 2, 2023

To: Gino Betts
Director – Office of Police Accountability

From: Kris Cappel, Esq.
Seabold Group

I. COMPLAINT SUMMARY

On June 20, 2020, between approximately 2:19 a.m. and 2:50 a.m., two individuals were shot in separate locations within the Capitol Hill Occupied Protest (CHOP) zone in Seattle. Seattle Police Department (SPD) and Seattle Fire Department (SFD) personnel were dispatched to respond to multiple 911 calls to assist the victims, but ultimately, both victims were transported in private vehicles to Harborview Medical Center (Harborview or hospital).

On or about July 28, 2020, Seattle’s Office of Police Accountability (OPA) received two citizen complainants alleging that, following the June 20 shootings, former Police Chief Carmen Best made intentionally misleading statements to the media concerning the failure of medics to transport shooting victims from the CHOP zone to the hospital. An OPA sergeant was initially assigned to investigate the complaints. He reviewed substantial material related to these shootings, which included SPD and SFD 911 recordings, body-worn video (BWV), computer-aided dispatch (CAD) records, social media posts, and news video and articles. OPA attempted to interview Chief Best, but she declined the request.

Seabold Group was retained to review 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.

II. NAMED EMPLOYEE & SUMMARY OF ALLEGATIONS

Chief Best is the only named employee in this investigation. The complainants alleged that Chief Best made intentionally misleading statements to the media concerning the failure of medics to transport shootings victims from the CHOP zone to the hospital. OPA alleged that, if true, this may have constituted dishonest and unprofessional conduct. 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.¹

¹ The associated case number is OPA 2020-0476. A copy of the notification to Chief Best is attached as Exhibit 1.

III. RECORDS REVIEW

In this investigation, Seabold Group reviewed the OPA Case Summary – Report of Investigation and the accompanying records provided by OPA.² Those records are incorporated herein by reference and will not be restated verbatim in this report.

Seabold Group also conducted an extensive review of available social media and media reports relating to the SPD and SFD's response to the CHOP shootings on June 20, 2020, and obtained and reviewed additional SFD CAD records related to these events.

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

IV. SUMMARY OF FINDINGS

It was alleged that Chief Best falsely claimed that on June 20, 2020, a violent crowd prevented SPD officers from safely accessing and providing emergency medical treatment to two shooting victims located inside the area known as the CHOP. Chief Best made that statement during a press conference on June 22, 2020, and appears to have repeated the statement in response to inquiries from KUOW on July 26, 2020. With respect to victim one, Chief Best's statement was not factually accurate. While there was evidence that SPD encountered a hostile crowd upon entering the CHOP, protesters did not impede or obstruct SPD from entering the CHOP or accessing the shooting victim. Video evidence available to Chief Best established that regarding victim one, SPD officers were able to enter the CHOP and proceed to the Rancho Bravo parking lot where victim one was being treated by volunteer medics, unobstructed. The evidence available to Chief Best also established that miscommunications between SPD and SFD resulted in delayed responses to emergency calls. By the time the officers arrived at Rancho Bravo, victim one had been transported by volunteers to Harborview.

Regarding victim two, video evidence available to Chief Best revealed that neither SPD nor SFD responded to emergency calls regarding this victim, but there were radio communications indicating that SPD may have determined that the area was too dangerous to enter based on SPD's efforts to render aid to victim one. Chief Best may have based her public statement that SPD was prevented from responding to victim two because of an angry crowd on SPD's assessment that the area was too dangerous to enter. To be clear, however, SPD was never physically prevented from entering the area where victim two was located, and Chief Best's statements could have been more precise.

V. SUMMARY OF INVESTIGATION

A. Reports of Gunshots Fired in the CHOP zone on June 20, 2020

1. *First reports of shooting at 2:19 a.m. – victim one*

On Saturday, June 20, 2020, SPD received multiple 911 calls beginning at 2:19 a.m. of gunshots fired in the CHOP zone. The reports varied and included: (1) that the shooting occurred near 11th Avenue and

² A copy of the Case Summary without attachments is attached as Exhibit 2.

East Pine Street; (2) that shots were fired near the Cal Anderson Park; (3) that the victim had been moved to a medic tent located in the parking lot of the Rancho Bravo Taco eatery;³ and (4) that the victim was being treated by CHOP medics but was non-responsive. SPD dispatchers fielding the 911 calls were communicating with SFD dispatchers in an effort to coordinate fire and police responses.

SPD officers were staging at East Cherry Street and 12th Avenue. Based on various radio communications, SFD medics were staging at Broadway and Union, Broadway and Pike, and Broadway and Pine.⁴ SFD was waiting for SPD to secure the area and accompany them into the CHOP to render assistance to victim one. Several times, SPD requested SFD to join them at the 12th Avenue and East Cherry Street staging area, so they could enter the CHOP zone together. Communications indicated that SPD was ready to enter the area, but they were waiting for SFD. While awaiting clearance, SPD and SFD received conflicting information about the shooting victim's status and location, though many of the 911 callers reported that the victim had been transported to the Rancho Bravo parking lot.⁵

Additionally, SFD dispatchers were advising CHOP medics to immediately transport the victim to Broadway and East Pine Street and told them that they would be met there by SFD. During some of those calls, CHOP medics advised SFD that the victim's heart had stopped and that they were administering CPR.

2. CHOP zone volunteer medics

Volunteer medics were captured on 911 calls and interviewed by SPD. Based on that information, one or more medics heard gunshots at approximately 2:19 a.m. It was reported that victim one was carried to the medic tent in the Rancho Bravo parking lot by bystanders. Medics administered treatment, including CPR. Medics and other volunteers were receiving conflicting information from SPD and SFD regarding how to get the victim to an ambulance. After approximately 15 minutes, volunteer medics decided to transport victim one outside the CHOP zone to an area they believed SFD medics were waiting. They drove victim one in the back of a black pickup truck to Broadway and East Pine Street, hoping to find an ambulance, but they reported that there were no emergency vehicles at that location. At 2:42 a.m., Harborview security informed SPD dispatch that victim one had just been "dropped off at Harborview." Following that call, all SPD personnel were ordered to leave the CHOP zone. At 2:56 a.m., Harborview informed SPD that victim one had died.

3. SPD officers entered the CHOP zone to extract victim one

According to SPD recordings, at 2:36 a.m., SPD announced it was entering the CHOP zone without SFD. They were planning to respond to 10th Avenue and East Pine Street, the last known location of the shooting victim. Later that morning, SPD released BWV showing a team of officers moving into the

³ Protesters had established a volunteer medic tent in the parking lot of the Rancho Bravo, which was located at the corner of East Pine and 10th Avenue.

⁴ For purposes of this investigation, we did not attempt to verify which of these reports were accurate. It was clear that there was conflicting information being shared between agencies regarding the physical location of SFD medics during the relevant period.

⁵ SPD's Computer Aided Dispatch (CAD) report for this event is attached as Exhibit 6. Two SFD incident reports which include relevant radio communications is attached as Exhibit 7.

protest area from Broadway onto East Pine. The video revealed that SPD requested protesters to “move out of the way so they can get to the victim.” The video also reveals that protesters approached the officers from multiple directions, but there was no visual evidence that officers were blocked or impeded. Some of the protesters’ voices were audible. One man in red clothing appears to tell the officers the victim “had already left.” Another male who was clearly agitated began screaming at the officers that the “victim was gone” as they walked by. SPD’s team continued walking east on East Pine Street and turned right onto 10th Avenue where the medic tent was located. Officers were able to enter that location unobstructed, but several protesters appeared to walk in front of and behind the officers. Protesters could be seen and heard yelling at the officers in elevated and angry tones. Some were yelling repeatedly that the victim had been removed from the area and transported to Harborview. Upon confirming that the victim was not at that location, SPD officers were ordered to exit the area. As SPD was retreating, a number of protesters followed or gathered near SPD’s vehicles located on Broadway. The officers were outnumbered, and many of the protesters were angry and screaming. Some in the crowd were also making threatening gestures and were being held back or restrained by other civilian individuals in the crowd.

Seabold Group also reviewed video taken by an independent journalist, Omari Salisbury, on June 20. He announced at the beginning of his video that he had arrived at the CHOP zone at approximately 2:30 a.m., as the video showed him walking westbound on East Pine Street. He was immediately informed by someone in the area that an individual was being treated for gunshot wounds in the medic tent located in the Rancho Bravo parking lot. Standing about one-half block from that location, Mr. Salisbury captured a large crowd surrounding the medic tent. After a few minutes, a female can be seen and heard asking for the driver of the black pick-up truck to respond. Mr. Salisbury was informed by another bystander that victim one was going to be transported out of the area. Mr. Salisbury stated on his live stream that he assumed the victim would be taken to Harborview. Mr. Salisbury’s video captured a black pick-up truck leaving the area, driving northbound on 10th Avenue.

Within minutes, Mr. Salisbury captured emergency vehicles with lights activated at the corner of Broadway and East Pine Street. The video then captured a group of seven to ten SPD officers approaching the intersection of East Pine and 10th Avenue on foot. He could hear the officers requesting the crowd to “clear a path.” Mr. Salisbury’s video shows some of the same footage as SPD’s BWV footage, including angry protesters approaching and yelling at the officers as they approached 10th Avenue.

Mr. Salisbury’s video clearly shows that the officers were able to enter the CHOP zone from Broadway to the Rancho Bravo parking lot unobstructed. None of the protesters physically obstructed their movements. After being informed by multiple protesters and by Mr. Salisbury that victim one was no longer at the Rancho Bravo location, the video shows SPD officers retreating. They were recorded walking northbound on 10th Avenue, westbound on East Pike Street, and eventually back to Broadway where multiple SPD vehicles were parked. Mr. Salisbury followed the officers to Broadway and his video captured angry crowds surrounding some of the vehicles as they attempted to leave the area. One officer is heard asking Mr. Salisbury and/or his colleagues whether there was a second victim located inside the CHOP zone. The officer was told no. Mr. Salisbury filmed all of SPD vehicles leaving the area, and he continued to film for another hour or more.⁶

⁶ The entire video lasts one hour and 43 minutes.

4. *Subsequent reports of gunshots fired at 2:49 a.m. – victim two*

At 2:49 a.m. on June 20, 2020, SPD received a 911 call reporting that a male had been shot and was laying on top of a gray Toyota Highlander at 11th and East Pike Street, in front of Sam's Tavern. SFD was also informed of a second victim, but there was confusion regarding whether there was one or two additional gunshot victims. At 2:52 a.m., SPD was advised that volunteer medics were treating a male victim with gunshot wounds to the arm and chest. SFD dispatchers who were connected to callers reporting another shooting victim requested that the victim be moved to 11th Avenue and Union Street. At 2:55 a.m., SPD was informed that volunteer medics were putting the second victim into a white van "and taking him to the hospital, fire not going." At 3:00 a.m., SPD CAD records reported that "CHAZ medics have now agreed to go to 11/Union, they're headed there now in their white van, SFD on the way." The second victim was eventually transported directly to Harborview without SFD.⁷

Mr. Salisbury's video also captured the second victim being transported from the CHOP zone. At the 27:08 mark of the video, which would have been approximately 3:00 a.m., Mr. Salisbury was informed while live streaming that there had been a second shooting on 11th Avenue. Mr. Salisbury was on East Pine Street at the time, and he began to walk eastbound toward 11th Avenue. When he turned the corner on 11th Avenue, he captured a white van backing up near Sam's Tavern. Mr. Salisbury announced on the video that he could see someone being lifted into the back of the white van, and that he believed it was a second shooting victim. There was no police or fire presence at the time this video was taken. The white van can be seen driving northbound on 11th Avenue. At approximately 3:12 a.m., Mr. Salisbury announced on the video that some of the bystanders were looking for shell casings. He continued to film until approximately 4:15 a.m., and during that period, no police or fire personnel were seen entering the area he was filming.⁸

B. Public Statements – June 2020

1. *SPD Blotter*

The Seattle Police released a statement via its SPD Blotter on June 20, 2020, at 9:59 a.m., stating in part:

On June 20th, at approximately 2:30 AM, East Precinct officers responded to a report of shots fired in Cal Anderson Park. This is inside the area referred to as the Capitol Hill Organized Protest (CHOP). Officers attempted to locate a shooting victim but were met by a violent crowd that prevented officers safe access to the victims.

⁷ In one of the incident reports, an SPD patrol officer wrote that he was advised that the victim was being transported in a white van, and that he located the van driving south on Broadway. The officer stated that he "provided emergency escort assistance" to Harborview. CAD records confirm that SPD escorted the white van to Harborview. This incident report is included in Exhibit 5.

⁸ Mr. Salisbury remained in the area of Cal Anderson/Bobby Morris playfield, and Pike and Pine Streets between 10th and 11th Avenues.

Officers responded to Harborview and were informed that one of the victims, a 19-year-old male, had died from injuries. The other victim, also a male, unknown age, remains in the hospital with life-threatening injuries. . . .

Homicide detectives responded and are conducting a thorough investigation, despite the challenges presented by the circumstances.⁹

2. SFD Fire Line

On June 20, 2020, SFD issued a statement noting that it was a “preliminary” report. The statement provided in part:

On June 20, 2020 at approximately 2:19 a.m., 9-1-1 received reports of a shooting at 10 Ave and E. Pine St. SPD officers responded to the scene and SFD dispatch was notified.

Due to SFD’s existing policy of staging and requesting law enforcement to first secure the scene before entering for scenes of violence, fire units began staging near the perimeter at 2:23 a.m. This is a standard procedure for any scene of violence and is also currently in place for any fire and medical emergency inside the area deemed the CHOP due to firefighter safety.

Between 2:26 and 2:28 a.m. SPD officers staged at 12 Ave and Cherry St. and initially entered the scene but were unable to secure the location for SFD medics. Simultaneously, volunteer medics provided medical assistance to the first gunshot victim. The first victim was transported via a private vehicle and arrived at 2:42a.m. at Harborview Medical Center. The first victim was pronounced deceased at Harborview Medical Center at 2:53 a.m.

There were multiple 9-1-1 calls, and at approximately 2:51 a.m., reports surfaced of a second gunshot victim nearby at 11 and Pike. SPD officers and SFD medics were already on the scene staging due to the previous call and needed SPD presence to enter the scene. Simultaneously, the second victim was transported to Harborview Medical Center in a private vehicle and arrived with a major gunshot wound at 3:06 a.m. The victim is in critical condition.¹⁰

3. Chief Best’s Public Statements – June 22, 2020

In a press conference on June 22, 2020, Chief Best addressed the June 20 shootings, reiterating SPD’s previous statement that a violent crowd prevented first responders from aiding the victims. Chief Best reported that three people had been shot over a 48-hour period in the CHOP zone, stating:

SPD officers responded to all of these incidents. On Saturday night [June 20] upon entering the CHOP, they were met with a hostile crowd that prevented them from getting to the victims. . . . Because we couldn’t guarantee the safety for the first responders to enter, neither officers or medics were able to get there to treat the wounded.

⁹ A copy of the statement is attached as Exhibit 3.

¹⁰ A copy of the statement is attached as Exhibit 4.

C. KUOW's July 26, 2020 Article

The two complaints OPA received which serve as the basis of this investigation, referenced an article published by KUOW on July 26, 2020, titled, "Seattle police claimed protesters blocked way to dying man. In fact, miscommunication with Seattle Fire was problem."¹¹ In the article, KUOW reporter Ashley Hiruko wrote that she "presented evidence of the miscommunication to Chief Best's communications team" and that "Best responded through a spokesperson that she stands by her comments that protesters prevented police from reaching the dying man."

Later in the article, Ms. Hiruko wrote that "KUOW reached out to Chief Best on Wednesday [July 22], a month after the shooting. Best defended her earlier statement that police were blocked¹² from entering," attributing the following quote to Chief Best:

Officers entered the CHOP and attempted to locate a shooting victim but were met by a violent crowd that prevented officers safe access to the victims. The Department later learned that the victim had been transported to Harborview.

*The officers' entrance and retreat is captured on video, which I feel speaks for itself.*¹³

D. 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, the June 20, 2020 shooting was one of the critical incidents addressed by the panel. The panelists concluded that there was significant delay in responding to the June 20 incident due to miscommunication between SPD and SFD, stating:

The Panel discussed the delay on June 20th, attributing it to the different radio frequencies used by SPD and SFD. Having to wait for SPD and SFD dispatchers to transmit information back and forth was time-consuming and directly contributed to the lack of coordinated response and shared understanding of meeting locations and other critical information. Staging SFD and SPD in different areas reflected additional lack of coordination between the agencies that contributed to the response delays. Panelists suggested these incidents illustrate the need for a shared communications capability that would allow SPD officers on the scene or at the staging area to directly communicate with SFD ambulances coming to the scene.

¹¹ The article can be found online at <https://www.kuow.org/stories/seattle-police-and-fire-confusion-slowed-response-to-chop-shooting-not-protesters>.

¹² Contrary to Ms. Hiruko's and other news articles about Chief Best's statements, Chief Best never publicly used the word "blocked" to describe what had occurred in the early morning hours of June 20, 2020. However, her use of the phrase "prevented officers safe access to the victims," can be fairly interpreted to mean that protestors had blocked emergency responders.

¹³ It's unclear whether this statement came directly from Chief Best or was provided by her communications team. In either case, for purposes of this investigation, we attribute the statement to Chief Best.

VI. DETAILED SUMMARY OF FACTUAL FINDINGS

A. Review of CAD Records and Audio Recordings

OPA's summaries and timelines of the CAD records, 911 audio recordings, BWV, and other media sources reflect that there was miscommunication between SPD and SFD. SPD and SFD were on different radio frequencies and were staging in different areas outside of the CHOP zone, each waiting for the other. In the time that they were coordinating, SFD repeatedly told callers to take the first victim to Broadway and East Pine Street, where an ambulance would be waiting or would be dispatched. The evidence is mixed regarding where in fact SFD was staging, but they were not parked at Broadway and East Pine when CHOP medics transported victim one to that location. It also does not appear that SFD ever joined SPD at its initial staging area (12th Avenue and East Cherry Street).

The evidence also reflects that by the time SPD entered the CHOP zone from Broadway and East Pine Street, at approximately 2:36 a.m., the first victim had already been removed by a private vehicle and was no longer at the medic tent at the Rancho Bravo parking lot.

Seabold Group's independent review of this evidence also supported that there was miscommunication between SPD and SFD personnel, which delayed first responders' entry into the CHOP zone.

Regarding the response to the second victim, SPD communicated to SFD that the location was "hot" and advised them not to enter the area. SFD requested CHOP medics to transport the victim to 11th Avenue and Union Street and meet SFD there. CHOP volunteers ultimately transported the second victim in a private vehicle to Harborview. The evidence reflects that SPD and SFD did not make any attempt to enter the CHOP zone to render aid to that individual, SPD possibly having determined it was not safe. But to be clear, SPD and SFD were not prevented from rendering aid to victim two because of a "violent crowd."

B. Chief Best's Public Statements

Chief Best stated publicly on June 22, 2020, that "officers entered the CHOP and attempted to locate a shooting victim but were met by a violent crowd that prevented officers safe access to the victims." Chief Best stood by her statements a month later after being contacted by a reporter.

The audio and video evidence, and the incident reports prepared by first responders,¹⁴ all reflect that SPD officers encountered a hostile crowd when it entered the CHOP zone. Members of the crowd were visibly angry and yelling at the officers, saying "the victim is gone," "the victim is no longer here," "where were you?" "they're gone" "get the f**k out" "put your f**king guns down, they went to the hospital" "why are your guns here?!" Large crowds also followed SPD officers as they walked through the zone and when they retreated to Broadway. Some of the protesters were making threatening and aggressive gestures and had to be restrained by others in the crowd.

¹⁴ A copy of the "Offense Report" which includes numerous incident reports prepared by police officers who responded to the shootings is attached as Exhibit 5. Crowd hostility was consistently described throughout these reports.

The second portion of Chief Best's comment, that the crowd "prevented officers safe access to the victims," is not supported by the evidence and was a misleading account of what had occurred. Because Chief Best was unavailable, this investigator cannot determine what information Chief Best relied on to support her public statements, but the evidence that was available to Chief Best at the time of her statements, clearly demonstrated that her statements were not factually accurate. SPD officers were not physically prevented or otherwise obstructed from reaching the two shooting victims.

Furthermore, Chief Best's statements created the impression that SPD and/or SFD had attempted to enter the CHOP zone to render aid, and that a violent crowd prevented those responders from accessing the victims. This was not the case in relation to the first victim, who was shot at 2:19 a.m. and whose injuries were reported to 911 at 2:22 a.m. Nor was it the case with the second victim, whose injuries were reported to 911 at 2:50 a.m. As mentioned above, in relation to the second victim, there appeared to have been no effort between SPD and SFD to coordinate an entrance into the CHOP zone. Rather, CAD records and audio of a call reflected that there was discussion of the area being "too hot" to enter, but neither SPD nor SFD first responders attempted to enter before volunteers transported the second victim to Harborview. With respect to the second victim, it is possible Chief Best may have intended to communicate that because of the hostility encountered by officers in reaching victim one, SPD concluded it was too dangerous to enter the CHOP zone a second time to render assistance to victim two. If that was her intent, Chief Best could have been much more precise in her communications.