



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 22, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0458

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.125 Social Media Pol. 2 Employee Personal Use of Social Media: 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public	Sustained
# 2	5.001 Standards and Duties 10. Employees will strive to be Professional	Sustained
# 3	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Sustained
Imposed Discipline		
Termination of Employment		

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that Named Employee #1 (NE#1) made a number of social media posts that violated SPD's social media policy, were unprofessional, and reflected bias.

SUMMARY OF INVESTIGATION:

In October of 2021, a Twitter user posted a lengthy thread that catalogued screenshots of tweets that the Twitter user attributed to NE#1 (the "Twitter Thread"). The Twitter user tagged the SPD Twitter account in Twitter Thread. SPD's Public Affairs Unit forwarded the Twitter Thread to OPA. OPA commenced this investigation.

During its investigation, OPA reviewed the Twitter Thread, NE#1's SPD employment background file, and email correspondence received by OPA. Also interviewed NE#1.

At his OPA interview, NE#1 candidly and remorsefully admitted that he posted the following tweets. Accordingly, the relevant facts are not in dispute.

- **May 29, 2020:** NE#1 responded to a tweet encouraging donations to the Minnesota Freedom Fund by stating "Wow! So you will be helping in defending rioters and looters?! Now that I know you support ANTIFA and a closeted socialist, it's time to unfollow this account." NE#1's tweet ended with a "middle finger" emoji.



- **June 10, 2020:** NE#1 responded to a KIRO7 tweet concerning a fundraiser for a man arrested in a Capitol Hill protest shooting by stating “Definitely donating to [Name] who was attacked by an angry mob and defended himself @NRA.”
- **June 11, 2020:** A radio host posted “It’s time to take back the department” in relation to the CHAZ/CHOP area. NE#1 replied, “I disagree, drop napalm on that area to actually fix it.”
- **June 20, 2020:** In response to a reason.com Tweet concerning police enforcement of traffic laws, NE#1 wrote “I welcome having unarmed agents of the state to try to stop me for a traffic infraction. Then I can put my [middle finger emoji] out the window and keep driving knowing they have ZERO power of enforcement.”
- **July 4, 2020:** on July 4, 2020, a driver struck several protester on I-5. NE#1 wrote “Shouldn’t play in the freeway idiots.” Another person responded “Wow dude, show some humanity. These are people getting hit. Freeway was closed, asshole in car will be behind bars for a long time. Don’t be that guy, apologize.” NE#1 responded “Naw, play stupid games, win stupid prizes.” The same person replied “No, you’re a POS. Ive heard this dumb ass phrase from ilk like you before, with your lack of any kind of decency or understanding. It was a Closed street, that car went down that road for the purpose to murder protesters. I feel sorry for your mother.” NE#1 replied “Closed Freeway? Who closed it? Didn’t know freeways could be closed by just anyone.”
- **July 5, 2020 through July 22, 2020:** NE#1 created a series of Tweets with hashtags advocating to free the person accused of the July 4, 2020 collision. In response to a Washington State Trooper who alerted that parts of I-5 would be closed for protest activity, NE#1 posted “I see you want another dead protester..#Darwin.”
- **July 8, 2020:** In response to a tweet about vehicles driving on the sidewalk to go around Black Lives Matter protesters, NE#1 wrote “And they wonder why they get run over.”
- **July 13, 2020:** A person posted “Over the weekend, a masked antifa in Portland opened a black man’s car door during a violent protest. Watch how he responded to them:” In response, NE#1 wrote “That’s how you handle those #AntifaTerrorists.”
- **July 24, 2020:** A person posted “BOOM! Man punches member of Antifa’s ‘Bike Brigade’ for blocking off streets so rioters can march in Seattle during rush hour.” NE#1 responded “People need to do this more often to these clowns. They will fold like wet napkins when touched.”
- **July 25, 2020:** NE#1 commented on several tweets related to protest activities, some of which occurred in Seattle.
 - KING 5 News posted “Seattle Bike Brigade member attacked during protest.” NE#1 responded “Awe poor [Name] didn’t like being hit..Well maybe you shouldn’t assist criminals by acting as their traffic guard. What authority does [Name] & his comrades have that allow them to take over streets? Does ‘protesting’ mean you have the rights to take away my liberties.”
 - SCC Insight posted “Wow. A wall of moms, and a wall of vets. Portland is awesome.” NE#1 responded, “Those are all the dweebs that couldn’t make it through one week of bootcamp and bought a military shirt to claim they were in the service.”



- A person posted "Some of the many legal observers at the rally (folks wearing neon knit caps)" to which NE#1 wrote in reply: "Legal observers huh? But they don't observe the illegal acts committed by members of their protest right..like breaking windows, tagging graffiti, or stealing from stores. That stuff they turn a blind eye to. They're just scum ambulance chasers with biased agendas."
- A person posted "WOMAN HIT: Says she was hit by flash bang at 12th Ave and Pike." NE#1 responded "Waaaa waaa I went to a riot trying to get a confrontation and they gave me a boo boo."
- **August 10, 2020:** NE#1 responded to a person's tweet about SPD morale, stating "When your employer hates you this much, why stick around for them to continue abusing you? These officers should have left years ago."
- **October 21, 2020:** A person posted "Antifa scream and shout as some of them are arrested by federal officers tonight in SW Portland." NE#1 replied, "Hahaha I love the screeching sounds of those loser #AntifaTerrorists."
- **November 6, 2020:** SPD tweeted "Update on a protester who suffered an unknown medical issue during Wednesday night protest. Body worn video included." NE#1 responded, "Oh a person who gets high before they go riot, let's all be sad for him and call him a 'victim of police brutality.'"
- **December 9, 2020:** KIRO 7 posted "Ocean Shores man attacked after confronting men for not wearing masks." NE#1 responded, "Mind your business next time."
- **December 24, 2020:** SPD tweeted "Holiday message to officers from Chief Diaz." NE#1 responded, "C'mon, who in their right mind would want to work as a cop in Seattle now?"
- **January 25, 2021:** KING 5 News tweeted "'Could've killed me': Injured man condemns Tacoma officer who plowed through crowd at street race." NE#1 responded, "So why were you blocking his car?"
- **February 12, 2021:** KOMO News tweeted "A Black man who was shot by a Clark County sheriff's deputy during a traffic stop for a burned-out taillight last week has died from his injuries." NE#1 wrote, "Oh well. People are more and more brazen against cops, this will continue to happen."
- **March 15, 2020:** A person posted "The moment the police cruiser floored it towards me hitting two protesters last night in Los Angeles at the #BreonnaTaylor march in Hollywood. Full report to follow on [Twitter name]" NE#1 wrote in response, "Awe you poor baby..Guess you'll need to see one of your counselors for one of the many mental problems you have. You victim you."
- **May 25, 2021:** A person posted a video from a 2019 incident in Portland in which a person was knocked unconscious during a conflict at a demonstration. NE#1 wrote, "God damn I love watching #AntifaTerrorists get knocked out." NE#1 also wrote, "Heard this comrade [Twitter name] spewing trash on @NPR. This [clown face emoji] doesn't understand what justice is. #GeorgeFloyd got justice regardless what your madeup definition of 'justice' is."
- **August 3, 2021:** SCC Insight posted a South Seattle Emerald story concerning a person injured while in custody. NE#1 wrote, "Haha he even admits he was trying to be an annoying fuck by verbally harassing the cops and staff. He deserves every bit of those missing teeth. Hope he learned to STFU."



- **August 6, 2021:** SPD Homicide retweeted the SPD Twitter account concerning a homicide. NE#1 responded, “Another one.” NE#1’s tweet also contained an image of DJ Khaled popping a bottle of champagne.
- **August 28, 2021:** A person tweeted “Breaking: A group of #antifa were saved by police after they were beaten & forced to retreat at a violent left vs right protest in Modesto, Calif. Antifa & other left-wing protesters gathered to oppose a ‘straight pride’ event.” NE#1 responded, “I love to see it..Fuck #AntifaTerrorists.”
- **August 31, 2021:** SPD tweeted “Detectives investigating after robbery suspect shot and killed.” NE#1 replied, “What is there to investigate? Robber is dead. Good citizen is alive.”
- **September 29, 2021:** KOMO News posted, “A North Seattle mother said she was attacked twice by the same man while grocery shopping with her young children, but the police never came.” NE#1 wrote, “Every society gets the kind of criminal it deserved. What is equally true is that every community gets the kind of law enforcement it insists on.” Robert Kennedy.”
- **October 6, 2021:** A parent of a deceased person posted about a “riot in honor of her son” stating, “I also understand people might be too afraid to attend or working or are far away and that’s ok I love and appreciate all of you but if you could still light a candle and share it I would so appreciate it much love all of you.” NE#1 wrote, “Naw, rest in piss bitch.”

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.125 Social Media Pol. 2 Employee Personal Use of Social Media: 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

It was alleged that NE#1 violated SPD’s social media policy.

SPD Policy 5.125-POL-2 states that SPD employees shall not post speech that negatively impacts the Department’s ability to serve the public. This policy acknowledges that SPD employees may express themselves as private citizens on social media sites as long as employees do not: make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals. (SPD Policy 5.125-POL-2(1).)

SPD policy forbids employees’ use of social media that would “otherwise violate any . . . SPD policy.” As discussed below, NE#1’s use of social media violated both SPD’s professionalism and bias-based policing policies.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 Standards and Duties 10. Employees will strive to be Professional

It was alleged that NE#1 made unprofessional Twitter posts.



SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (Id.) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (Id.)

NE#1 made numerous posts that were extremely unprofessional, beyond decency, and entirely unacceptable. Among other things, NE#1 celebrated violence against protesters, ridiculed human beings who were injured or killed, taunted the family members of deceased individuals, publicly accused SPD of hating its employees, blamed victims of assault, appeared to celebrate a homicide, and stated George Floyd “got justice.” Any individual who learned that NE#1 was an SPD officer would have reason to question his judgment. However, NE#1’s tweets were of such a character that they resulted in widespread public reporting that eroded public trust in both the Department as well as other officers.

To his credit, NE#1 candidly admitted his wrongdoing in his OPA interview and expressed a high degree of remorse. When OPA asked NE#1 for any voluntary, final comments, NE#1 replied, “I’m terribly sorry.” NE#1’s actions and remorse also require accountability.

OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #3

5.140 Bias Free Policing 2. Officers Will Not Engage in Bias Based Policing

It was alleged that NE#1 violated SPD’s bias-based policing policy.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” (SPD Policy 5.140-POL.) This includes different treatment based on mental illness, political ideology, and veteran status. (See id.) SPD employees are forbidden from expressing “any prejudice or derogatory comments concerning discernible personal characteristics.” SPD Policy 5.140-POL-2.

NE#1 made a variety of comments that were derogatory concerning discernible personal characteristics. These included, among others:

- **Mental Illness:** Telling a person to “see one of your counselors for one of the many mental problems you have. You victim you.”
- **Political Ideology:** Stating that he would unfollow a Twitter account because “I know you support ANTIFA and a closeted socialist.”
- **Veteran Status:** Concerning a “Wall of Vets” at a protest, stating, “Those are all the dweebs that couldn’t make it through one week of bootcamp and bought a military shirt to claim they were in the service.”



Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**