



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 24, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0197

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties 5.001-POL 14. Retaliation is prohibited	Not Sustained - Unfounded
# 3	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties 5.001-POL 14. Retaliation is prohibited	Not Sustained - Unfounded
# 3	5.001 - Standards and Duties 5.001-POL 6. Employees May Use Discretion	Not Sustained - Unfounded

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:

Named Employee #1 (NE#1) was one of two officers involved in an inquest process at the Clark Children & Family Justice Center (CCFJC.) On June 22, 2022, following an inquest hearing, the decedent’s family and supporters (Supporters) gathered at the building’s front entrance. Soon thereafter, NE#1 exited and walked past the Supporters. In passing, some of the Supporters allegedly directed profanities and insults toward NE#1. NE#1 continued toward a parking lot. The Supporters relocated to that parking lot, where the decedent’s father allegedly directed profanities toward NE#1. NE#1 reported the incident to his superior, Named Employee #2 (NE#2). In response, days later, NE#2 allegedly directed SPD SWAT (SWAT) to the CCFJC. The Complainant, an attorney for the decedent’s family, submitted an online OPA complaint.

ADMINISTRATIVE NOTE:

This investigation, as with all OPA investigations, was reviewed and certified by the Office of Inspector General (OIG). OIG found it timely, objective, and thorough.



SUMMARY OF INVESTIGATION:

A. OPA Complaint

On June 27, 2022, the Complainant submitted an online OPA complaint. She explained the decedent “was killed by the police” and an inquest proceeding was initiated. On Wednesday June 22, 2022, Day 2 of the inquest, the inquest administrator recessed the proceedings until Monday June 27, 2022. On Sunday June 26, 2022, the inquest attorney notified the Complainant about an incident involving NE#1 and the Supporters after Wednesday’s hearing. The inquest attorney stated SWAT visited the CCFJC Friday June 24, 2022, in response. The inquest attorney also indicated only inquest staff were present while SWAT was onsite. The inquest attorney also provided CCFJC surveillance video of the incident. On Monday June 27, 2022, when the inquest reconvened, NE#1’s attorney proffered what caused the confrontation Wednesday. NE#1’s suggested, as NE#1 walked past the Supporters, words like “pussy” and “coward” were directed at NE#1. As NE#1 continued to his car, the decedent’s wheelchair bound father allegedly followed and directed profanities, including “motherfucker,” at NE#1. The inquest administrator “chastised” the Supporters for confronting NE#1 and NE#1 for “walking through the family members when it would have been simple to go around them.” The inquest administrator further admonished NE#1’s representation that SWAT lacked jurisdiction over CCFJC, a county building. The complaint suggested SWAT’s presence “was a power play of the highest order designed to create uncertainty and fear in the entire family. It was not just overreaching. It was an act of intimidation. And it was symbolic of white domination and Black suppression.” It also referenced a newspaper article covering the situation.

B. Complainant interview

On July 13, 2022, OPA interviewed the Complainant. Her account materially mirrored her OPA complaint. Additionally, the Complainant noted a June 27, 2022 conversation with NE#1’s attorney. Then, NE#1’s attorney indicated NE#1 told his sergeant, NE#2, about his June 22, 2022, encounter with the Supporters. NE#1’s attorney suggested the June 22, 2022 incident was “not a big deal.” The Complainant also stated the Supporters denied collectively cursing at NE#1 and suggested the decedent’s father was responsible. Further, the Complainant reported the Supporters were significantly disturbed when they learned about SWAT’s presence at CCFJC.

C. Department of Executive Services #1’s report

King County’s Department of Executive Services’ deputy communications manager (DES#1) documented her experience with SWAT on June 24, 2022. In summary, DES#1 was at CCFJC managing technical issues. Inquest was not in session. Department of Executive Services’ inquest program manager (DES#2) and other staff working on the technical issue were also present. Without notice, a SWAT officer, “not a regular police uniform” with “biceps about three times the size of (DES#1),” entered the building and stated he was directed to scout the location in preparation for the inquest’s resumption Monday June 27, 2022. DES#1 told the officer “he better not be looking like that (wearing what he was wearing).” The officer indicated he would be civilian dressed. DES#1 was concerned, because she knew the King County Sheriff’s Office had jurisdiction over the building, not SPD. DES#1 stepped away to let DES#2, the lead, handle the situation. DES#2 agreed to brief DES#1 later. DES#1 contacted her supervisor to alert him about SWAT’s presence at CCFJC.

On June 25, 2022, DES#1 and DES#2 spoke by phone. DES#2 stated there was a reported incident involving the Supporters and NE#1 outside CCFJC on Wednesday “after the inquest finished.” DES#2 indicated she expected the



security footage prior to Monday. DES#2 was unclear whether the reported incident turned physical, but stated NE#1 reported “someone called him a ‘pussy’ and blocked his car when he was trying to leave the CFJC parking lot.” DES#1 was “worried that the police are saying they need security against middle aged Black people and (the decedent’s) dad, who is in a wheelchair, and that SPD is doing a show of force that is completely inappropriate. The ‘optics’ are wrong, and it’s also not SPD’s jurisdiction.” On June 26, 2022, DES#1 briefed her supervisor, who suggested the situation should be elevated to “the Executive Office” and “the mayor to put a stop to it.” On June 27, 2022, DES#1 viewed security footage of the incident. There was no audio. It showed Supporters “standing at the entrance to the CFJC near the driveway,” “NOT on the road and never went into the road.” Someone among the Supporters is shown gesturing as (NE#1’s) vehicle slowly drove off. DES#1 determined, since the video showed “(the Supporters) did NOT block the vehicle,” “(NE#1) lied about what happened outside the CJFC. He said his car was blocked. It wasn’t. This shows (NE#1) has serious credibility issues.” DES#1 further described NE#1 reporting the incident as “an extreme overreaction” “(demonstrating) a reaction by (NE#1) to Black people.” On June 28, 2022, DES#2 told DES#1 the SWAT officer returned to CCFJC but stayed in an unmarked car in the parking lot.

D. Department of Executive Services #2’s report

DES#2 also documented her experience with SWAT on June 24, 2022. In summary, she and DES#1 were at CCFJC working on a technical issue. DES#2 saw DES#1 speaking with two uniformed SWAT officers, so she approached to introduce herself. SWAT stated, “they were checking to get the lay of the land and to ensure things were safe.” DES#2 asked whether something occurred. SWAT indicated nothing occurred and their visit was precautionary. SWAT also suggested they planned to return Monday. DES#2 replied, “she hoped they didn’t show up looking like they currently did.” SWAT conversed with a King County Sheriff’s Office marshal (MO#1). DES#2 stepped away and reached out to several people, including a King County Sheriff’s Office sergeant (SO#1), NE#1’s attorney, and her supervisor about SWAT’s visit. DES#2 returned to engage SWAT; MO#1 was present. SWAT indicated they did not know why they were ordered to scout CCFJC. MO#1 told SWAT NE#1 was unauthorized to use CCFJC’s parking garage, insisting “there were ‘special permissions that are above their pay grade to do that.’” SWAT left.

SO#1 arrived, and DES#2 briefed him on what occurred. NE#1’s attorney returned DES#2’s call. During that conversation, NE#1’s attorney reported “a name calling incident and someone blocked (NE#1) from leaving [Wednesday.]” NE#1’s attorney later emailed DES#2 stating a SPD sergeant ordered SWAT to the location to “check the place out in the event that some security may become necessary after the Wednesday afternoon problem in the parking lot.” NE#1’s attorney also stated, “SWAT knew there was no inquest (Friday) and expected the room to be empty.” NE#1’s attorney further indicated, although they arrived Friday in “their daily uniform,” SWAT did not plan to enter the building Monday, when the inquest returned to session. DES#2’s report recounted her June 25, 2022, conversation with DES#1, which materially mirrored DES#1’s account. DES#2 stated NE#1’s report “was akin to (sic) male version of a Karen.” Last, DES#2 documented SWAT arrived at CCFJC on Monday June 27, 2022, “in an unmarked F150.” SWAT remained inside that vehicle, as NE#1 entered the building.

E. SO#1’s interview

On October 27, 2022, OPA interviewed SO#1. SO#1 supervised the King County Sheriff’s Office’s Core Protection Unit (CPU), which oversaw screenings and security at King County buildings. SO#1 was the only fully commissioned KCSO deputy at CCFJC but oversaw a team of three marshals¹. During inquests, SO#1 and DES#2 collaborate on security

¹ County Marshals hold a special law enforcement commission that allows them to perform law enforcement duties while on duty. *Court Protection Unit*. Court Protection Unit - King County. (n.d.). Retrieved December 24, 2022, from <https://kingcounty.gov/depts/sheriff/careers/court-protection.aspx>



matters at CCFJC. Prior to the inquest concerning the decedent, SO#1 and DES#2 considered a separate entrance/exit for NE#1, and the other involved officer, but SO#1 thought, since there were only two involved officers, CPU could manage a common entrance/exit. Further, DES#2 suggested a separate entrance/exit for the involved officers “would show signs of favoritism. She wanted everyone to use the same entrance.” DES#2 also overruled SO#1’s plan to have the involved officers enter through a loading dock, which on-duty officers are permitted to do. SO#1 indicated having Supporters use the loading dock was more complicated, since civilians are required to undergo a screening process. SO#1 stated KCSO marshals and SPD collectively respond to active disturbances at CCFJC. SO#1 stated SPD is notified because CCFJC is in Seattle, SPD’s jurisdiction. During their planning, SO#1 told DES#2 KCSO marshals were situated to handle:

“...a minor incident which the marshals would handle would be a lost cell phone. After not finding the phone, they would call SPD for the report. If it was an active disturbance marshals would initially respond, but also call SPD to handle the incident.”

Prior to the start of the inquest, SO#1 contacted a SPD captain “to discuss whether he believed there would be any issues regarding protests or major events surrounding the Inquest.” That captain stated another SPD captain would follow up with SO#1. The other captain never followed up. SO#1 and SO#2 had several phone conversations about preparing for the inquest. During one conversation, they discussed:

“...having the involved officers be driven to the Inquest and dropped by at the front door. That way, the officer dropping off the officers could monitor the officer enter the building and then (SO#1’s) staff would take over once the officers made it inside the building.”

SO#1 also stated when SWAT arrived on June 24, 2022, there was no inquest hearing, Supporters were not present, and only county employees were there. SO#1 saw civilian dressed officers outside CCFJC in an unmarked vehicle on June 27, 2022, when the inquest restarted. SO#1 identified them as fellow officers “based on their movements.” SO#1 stated securing the involved officers was CPU’s duty, but restated SPD would be contacted to assist with an active disturbance.²

F. SPD lieutenant interview

On October 26, 2022, OPA interviewed SPD’s Robbery and Gun Violence Reduction Unit’s lieutenant (LO#1). On June 24, 2022, after the inquest hearing, NE#1 returned to the office. NE#1 told LO#1 about the incident involving the Supporters. Specifically, NE#1 stated he exited CCFJC and walked through a gap between the Supporters toward his car. NE#1 reported “a member of the group” stated “we should kick his ass” and another called him “a motherfucker.” NE#1 thought, when the inquest resumed, further conflict with Supporters “might be unavoidable.” NE#1 wanted to avoid interaction and not be “coerced into” engaging them. NE#1 was concerned for his physical safety and thought his chain-of-command should be notified but did not request SPD’s intervention. LO#1 believed NE#1 reported the incident “to prevent a negative encounter in the future and it was not to intimidate the family.” LO#1 committed brainstorming a plan with SO#2. Thereafter, LO#1 and SO#2 met. SO#2 told LO#1 he contacted KCSO prior to the inquest to request a separate entrance/exit for the involved officers, but DES#2 declined. LO#1 told SO#2 to have two civilian dressed SPD Community Response Group (CRG)³ officers “sit in the parking lot and monitor the entrance/exit

² On August 4, 2022, OPA emailed KCSO asking whether a MOU existed outlining KCSO and SPD’s responses to incidents at county building within Seattle. That day, a KCSO special operations captain responded. He denied knowledge of a MOU but stated “our (SPD SWAT and Tac-30) position is simply, it’s the City of Seattle, SPD SWAT will always beat us to the call, and they have first right of refusal. If there was a unique situation, maybe in the KCSO office spaces, SPD SWAT may defer to Tac-30, but that’s a bit of a green gorilla.”

³ The CRG is tasked with helping meet Seattle’s public safety needs by working citywide to enhance 911 and emergency response. Because CRG is not assigned to a specific precinct, its officers can go where they are needed, when they are needed. CRG officers will also respond to demonstrations, freeing up patrol officers to handle 911 calls. When CRG officers are not engaged with demonstrations, they will backup patrol officers on investigations and other 911 calls. Public Affairs. (2020, October 8). *Department*



door. If an incident did arise, they would monitor and call for additional resources or step in if needed.” SO#2 told LO#1 CRG officers were unavailable. Later, LO#1 learned two SPD SWAT officers visited CCFJC “to familiarize themselves with the building and layout because it is a new building and not many SPD employees have been in or around the building.”

G. SO#2 interview

On November 1, 2022, OPA interviewed SO#2. SO#2 confirmed discussing NE#1’s encounter with Supporters with LO#1 and NE#1 but could not recall who he talked to first. NE#1 reported Supporters “confronting” and “threatening” his physical safety. SO#2 also confirmed requesting CRG officers to detail NE#1 “in the parking lot” when the inquest restarted. SO#2 thought he contacted NE#2, who SO#2 believed commanded CRG but later learned NE#2 transferred to SWAT. SO#2 also contacted SO#1, who committed to having his staff “keep an eye out on the parking lot moving forward.” They also agreed KCSO would secure inside CCFJC and SPD would handle the parking lot, if a disturbance occurred. SO#2 also mentioned DES#2 denied his request, prior to the inquest, for the involved officers to use a separate entrance/exit. Later, SO#2 was included in an email chain between CRG and SWAT officers discussing who would “handle the security detail.” SWAT decided to take the assignment. After SWAT visited CCFJC, a SWAT officer contacted SO#2 to report DES#2’s concerns about their presence. SO#2 stated SWAT visited CCFJC when they knew the inquest was out-of-session.

H. NE#1 interview

On August 30, 2002, OPA interviewed NE#1. NE#1 was a SPD officer for 14 years and assigned to the Robbery Unit. On June 22, 2022, NE#1 was an involved officer at an inquest hearing concerning the decedent. NE#1 described an inquest as “a fact proceeding held by the King County Coroner.” He also described CCFJC as having a single entrance/exit facing west toward a parking lot. Prior to the inquest, NE#1 received not special instruction about where to park or entering/leaving the building.⁴ On June 22, 2022, after the hearing, NE#1 exited the building and found a large group of Supporters. NE#1 walked through a gap between the Supporters. NE#1 did not address any Supporter. As NE#1 walked by, someone stated “we should kick his ass.” Without responding, NE#1 continued to his car. From his car, NE#1 saw Supporters approaching. Two Supporters stopped and looked in NE#1’s direction. As NE#1 trailed another car out of the parking lot, he saw a Supporter “looking intently” in his direction. That Supporter appeared to yell at NE#1, but NE#1 could not make out what was said. After that encounter, NE#1 went to SPD headquarters. There, LO#1 asked NE#1 the inquest’s general status. NE#1 reported, the first day the decedent’s father called the involved officers “cowards” and Supporters stared at NE#1 and refused to move as NE#1 exited an elevator. NE#1 also reported a male Supporter staring at him during the inquest and a female Supporter repeatedly stating “how (the involved officers) could sleep” as NE#1 passed. NE#1 also reported the incident from earlier that day. NE#1 asked LO#1 to “consider having plain clothes or low-key security at the remainder of the proceedings in the event the situation escalated.” On June 24, 2022, a SWAT officer informed NE#1 civilian dressed SWAT officers would serve as detail when the inquest resumed.

I. NE#2’s interview

On November 7, 2022, OPA interviewed NE#2. In June 2022, NE#2 was SWAT’s commander. NE#2 learned SO#2 requested a plain-clothed detail for the involved officers following an incident involving NE#1 after an inquest hearing. SO#2 and NE#2 acknowledged there were high emotions surrounding the inquest. NE#2 believed the Supporters

Launches Community Response Group. SPD Blotter. <https://spdblotter.seattle.gov/2020/10/07/department-launches-community-response-group/>

⁴ NE#1 reported being provided a separate entrance/exit during the inquest’s third week.



sought a confrontation with NE#1. NE#2 reported concern for NE#1's safety, where he was alone and unarmed. SO#2 requested detailed officers to "be as low-key as possible." After SWAT learned a separate entrance/exit for the involved officers was declined, SWAT decided the next best option was to "deliver and retrieve" NE#1 to/from CCFJC. No SWAT officer entered the inquest room, as KCSO secured inside the building. SWAT planned to remain unseen and standby in case they were called upon to assist. NE#2 directed SWAT officers to CCFJC on June 24, 2022, "to determine what would be needed." NE#2 described scouting a location before a mission as common practice. NE#2 stated the scouting visit was "to solve the problem with the least amount of impact."

J. SWAT interviews

On December 6, 2022, OPA interviewed the SWAT officers (SWAT#1 and SWAT#2) who scouted CCFJC on June 24, 2022. SWAT#1 (18-years on SWAT) and SWAT#2 (7-years on SWAT) stated SWAT is responsible for assisting with high-risk incidents, dignitary visits, and other assignments. SWAT#1 described the unit's daily uniform as a grey with a variety of carrying tools, including a gun belt and a ballistic vest. SWAT#1 stated, on June 24, 2022, NE#2 ordered SWAT to act as detail for the involved officers. Unfamiliar with CCFJC, that same day, SWAT#1 and SWAT#2 visited to assess the location. A KCSO marshal showed SWAT around the building. SWAT#1 wanted familiarity with the building in case they were called for a quick response. SWAT#1 inquired about a separate entrance/exit for the involved officers, but DES#2 would not accommodate it.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

SPD employees must "strive to be professional at all times." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers." *Id.*

Here, as with any inquest, emotions were naturally charged. Particularly, this highly publicized inquest sparked frustrations across the masses and, understandable, within Supporters. However, on June 22, 2022, as NE#1 left CCFJC, he was unable to avoid the Supporters since no alternate entrance/exit was provided. While DES#2 determined a separate entrance/exit would suggest favoritism for the involved officers, the consequence for failing to separate the involved officers and Supporters was clearly foreseeable and largely inevitable. Inexplicably, despite SO#1 raising the issue with DES#2, that concern was ignored. OPA reviewed CCFJC's surveillance footage of the encounter. That footage captured NE#1 exit CCFJC to find Supporters in two groups with a roughly five-foot gap between them. NE#1 ducked his head and quickly walked toward the parking lot. NE#1 never appeared to engage the Supporters, some of whom he described as threatening and cursing him (which was not corroborated, since there was no audio.) Overall, the available evidence does not suggest NE#1 engaged in behavior that undermined public trust in the Department, himself, or other officers.

Thereafter, at SPD headquarters, LO#1 asked NE#1 about the inquest's status. NE#1 outlined his concerns and requested low-profile assistance. NE#1 told OPA he also relayed his safety concerns to his attorney. Where DES#2 denied security requests designed to separate the parties, OPA does not find NE#1's reported concerns unreasonable.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

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



Named Employee #1 - Allegation #2

5.001 – Standards & Duties – 14. Retaliation is prohibited

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, “oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy” or “who otherwise engages in lawful behavior.” *Id.* Retaliatory acts are defined broadly under SPD’s policy and include “discouragement, intimidation, coercion, or adverse action against any person. *Id.*”

Here, the complaint suggested NE#1 requested SWAT’s presence and show of force to retaliate against Supporters for “name calling.” However, as outlined above, NE#1’s request for assistance was apparently based on the charged atmosphere and fear that further contacts with Supporters would escalate. There is no evidence NE#1 specifically requested SWAT or another militarized unit. Rather, NE#1 requested a low-profile unit to surveil outside the building.

Accordingly, OPA recommends this allegation be Not Sustained- Unfounded.

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

Named Employee #1 - Allegation #3

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

The Complainant alleged NE#1 engaged in bias-based policing.

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. That includes different treatment based on the race of the subject. *See id.*

Here, the complaint suggested NE#1 retaliated against Supporters based on their race. As discussed at Named Employee #1- Allegation #2, the evidence indicates NE#1’s request was motivated by a safety concern, not bias.

Accordingly, OPA recommends this allegation be Not Sustained- Unfounded.

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

Named Employee #2 - Allegation #1

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

The Complainant alleged NE#2 engaged in bias-based policing.

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. That includes different treatment based on the race of the subject. *See id.*



Here, NE#2 responded to SO#2's request for a detail to escort the involved officers to and from the inquest. While NE#2 accepted that assignment, there is no evidence he was motivated by race or another protected class characteristic.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #2

5.001 – Standards & Duties – 14. Retaliation is prohibited

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, “oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy” or “who otherwise engages in lawful behavior.” *Id.* Retaliatory acts are defined broadly under SPD's policy and include “discouragement, intimidation, coercion, or adverse action against any person. *Id.*

See Named Employee #2 - Allegation #1.

Accordingly, OPA recommends this allegation be Not Sustained- Unfounded.

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

Named Employee #2 - Allegation #3

5.001 – Standards & Duties – 6. Employees May Use Discretion

The Complainant alleged NE#2 failed to use discretion.

SPD Policy 5.001-POL-6 states, “[e]mployees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” That policy further states “[d]iscretion is proportional to the severity of the crime or public safety issue being addressed.” SPD Policy 5.001-POL-6.

Here, the evidence suggests SWAT took reasonable measures to keep a low profile from the public. That included scouting CFJC when they knew the inquest was out of session, not entering the building while detailing NE#1, and arriving in an unmarked vehicle wearing civilian clothes. All evidence suggests NE#2 acted with precaution, given the sensitive nature of the mission.

Accordingly, OPA recommends this allegation be Not Sustained- Unfounded.

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