



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 18, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0348

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	15.080-POL-2 Follow-Up Unit Notification & Follow-Up Investigation 1. Follow-Up Investigations Will Include Certain Minimum Components	Not Sustained - Unfounded (Expedited)
# 2	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 3	1.110-POL-1 Public Information 2. Except as May Otherwise Be Authorized by the Chief of Police or His or Her Designee, Employees Shall Not Release Information to the Media or Related Outlets Other Than as Prescribed by This Policy	Not Sustained - Inconclusive

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:

The Complainant alleged that Named Employee #1 (NE#1)—an unknown employee—inadequately investigated misdemeanor harassment crimes against Community Member #1 (CM#1)—a local elected official. The Complainant also alleged NE#1’s inadequate investigation was due to CM#1’s political views. Last, it was alleged NE#1 leaked CM#1’s letter criticizing the department’s response to media outlets.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General’s (OIG) review and agreement, believed it could reach, and issue recommended findings based solely on its intake investigation. OIG also certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On or about October 19, 2022, several media outlets reported CM#1’s letter to Seattle’s mayor, police chief, and city council expressing dissatisfaction with the department’s investigation into multiple crimes against her. On October 20, 2022, the Complainant submitted an OPA complaint echoing CM#1’s letter. OPA opened an investigation, including reviewing the OPA complaint, computer-aided dispatch data, body-worn video, media reports, CM#1’s letter, and incident reports. OPA made several unsuccessful attempts to interview CM#1, including unreturned calls and voicemails and October 24, 2022, November 1, 2022, November 3, 2022, and January 19, 2023, emails. On November



3, 2022, CM#1 emailed OPA saying she was “not looking to register an OPA complaint at this time about whether the Seattle Police have carried out a thorough investigation” but wanted OPA to investigate “apparent leak(s) from the police to right-wing media.” CM#1 suggested Media #1’s—a conservative outlet—source for its report that CM#1 requested evening surveillance at her home “could only have come from inside the police department.” CM#1 included a hyperlink to a related article that cited “multiple sources speaking to [Media #1] on the condition of anonymity.” CM#1 agreed to discuss the allegation with OPA “next week.” Within 30 minutes, OPA replied to arrange a meeting:

Thank you for reaching out [CM#1.] I would be happy to schedule a time to discuss your complaint next week. What availability do you have, and would you prefer to speak over the phone or in person?

OPA has yet to receive a reply. On January 19, 2023, OPA emailed CM#1 to follow up:

Good afternoon,

I wanted to follow up on this email to see if you were still interested in providing a statement or if you had any additional information regarding the allegation involving the leak to [Media #1.]

Thank you,

Again, OPA has yet to receive a response.

A. Computer-Aided Dispatch (CAD) Data

On October 8, 2022, at 10:29 PM, CAD reports showed Community Member #2 (CM#2)—CM#1’s spouse—called 9-1-1. The 9-1-1 call-taker noted:

[UNKNOWN SUBJECT] THREW A BAG OF FOUL SMELLING BROWN SUBSTANCE IN THEIR FRONT YARD .. SAME THING [OCCURRED] LAST NIGHT AROUND THE SAME TIME, AND THEN AGAIN THIS HAPPENED TWICE LAST YEAR, SAME BAG AND SUBSTANCE, NO [SUSPECT]

Witness Employee #1 (WE#1), and Witness Employee #2 (WE#2) were dispatched to CM#1’s home at 10:35 PM and arrived at 10:56 PM. WE#1 and WE#2 cleared the call at 11:15 PM.

On October 13, 2022, at 9:01 PM, CM#2 called 9-1-1. The 9-1-1 call-taker noted:

20 [MINUTES] AGO. ONGOING ISSUE WITH SOMEONE THROWING HUMAN FECES IN A BAG IN HIS FRONT YARD, THIS IS THE 4TH TIME THIS WEEK THIS HAS HAPPENED, HAS [POSSIBLE SUSPECT] [ON] VIDEO .. [SUSPECT LAST SEEN WESTBOUND] ON YESLER AND THEN [POSSIBLY SOUTHBOUND ON 27TH AVENUE] [REPORTING PARTY REQUESTS IN-PERSON CONTACT]

CM#2 described the suspect as an Asian man, 5’4”-5’6” tall, thin, and wearing a black baseball cap, a black face mask, a blue vest with reflective stripes, and dark clothes. CAD updates indicated CM#2 suggested the



incidents were politically motivated and reported CM#1 recently received “harassing emails calling her feces-related names.”

Witness Employee #3 (WE#3) was dispatched to CM#1’s home at 9:32 PM and Witness Employee #4 (WE#4) at 9:27 PM. WE#3 arrived at 9:41 PM and WE#4 at 9:40 PM. WE#3 cleared the call at 10:08 PM and WE#4 at 10:16 PM.

B. Incident Reports

WE#1 wrote the related incident report for the October 8th response. WE#1 wrote he spoke with CM#2 upon arrival. WE#1 noted CM#2 said an unknown subject threw a plastic bag containing “brown paste” in their yard two hours prior. CM#2 also said it was the second occurrence that month and occurred twice the year prior. CM#2 was concerned that CM#1 was targeted. WE#1 examined the bag and believed it was dog feces. WE#1 explained the department could not collect the bag as evidence and suggested CM#2 take it to a private laboratory for testing because it would take up to a year for the department’s lab to process it due to backlog. WE#1 also suggested CM#2 install surveillance cameras along his fenced yard.

WE#4 wrote the related incident report for the October 13th response. WE#4 wrote he contacted CM#2, who was with two witnesses: Community Member #3 (CM#3) and Community Member #4 (CM#4)—who refused to provide his name. CM#3 reportedly saw a male suspect throw the bag over CM#2’s tall fence at the south corner of the property. CM#3 said she had videos and photographs of the suspect. CM#4 said he confronted the suspect, who denied throwing the bag and ran northbound. CM#1 believed the incidents were linked to emails she received months prior that referenced feces. CM#1 agreed to provide screenshots of those emails. CM#1 said the incidents occurred between 5:00 PM and 10:00 PM and requested an officer post on her street to catch the suspect should he return. WE#4 agreed to elevate CM#1’s request to his chain of command. WE#3 photographed the bag of suspected feces, and WE#4 located neighboring homes with video doorbells.

C. Case Investigation Report

On October 14, 2022, Witness Employee #5 (WE#5)—a detective—was assigned to investigate the crimes against CM#1 and CM#2. WE#5 spoke with CM#1 about the emails she believed were related to the crimes. WE#5 indicated he would connect with the department’s evidence and latent print units to discuss whether identifying information could be lifted from the bag of suspected feces. About an hour and a half later, WE#5, Witness Employee #6 (WE#6)—a detective, and Witness Employee #7 (WE#7)—a latent print examiner—met CM#1 at her home. The officers took several photographs of the bag of suspected excrement. WE#7 conducted “a lengthy and messy” examination of the evidence to try to lift fingerprints but was unsuccessful.

Later that day, WE#5 received a call from a man who indicated his roommate owned one of the video doorbells police located. He said the video doorbell was broken and agreed to contact WE#5 if it captured footage. That evening, WE#5 issued throughout the department a crime information bulletin containing photographs of the suspect, a description, a summary of the crime, and WE#5’s cell phone number. On October 17, 2022, CM#1 sent WE#5 two emails that referred to her as the “Queen of Shit” and a “throne of human excrement.” WE#5 unsuccessfully attempted to identify the sender. On October 18, 2022, WE#5 told CM#2 the investigation would be closed pending further information. WE#5 encouraged CM#2 to call him if further incidents occurred. On October 19, 2022, CM#1 sent a letter to city



officials expressing dissatisfaction with the investigation. The investigation was subsequently re-opened and ongoing when this DCM was written.

D. Body-Worn Video (BWV)

BWV was generally consistent with the related incident reports. Additionally, during the October 13th response, BWV captured WE#4 empathizing with CM#2 about the incidents and instructing him on uploading images to Evidence.com. CM#1 requested the suspected feces be tested. WE#4 replied that Washington State law enforcement agencies do not test feces but said he would check nearby cameras to track the suspect. WE#4 also told CM#1 no officer was assigned to patrol that block but agreed to patrol the area personally. WE#4 told CM#1 the goal was to identify the suspect so an anti-harassment order could be issued. He further explained that violating an anti-harassment order is a mandatory arrest offense.

BWV also captured WE#5's interview with CM#3. CM#3 said a community watch was organized to patrol CM#1's home due to prior incidents. CM#3 said on October 13th, their watch started around 7:00 PM, and around 9:00 PM, she saw the suspect throw something over CM#1's fence. CM#3 said she recorded the suspect while CM#4 confronted him. CM#3 said 1 ½ hours before that incident, she saw two suspicious cars in the area. CM#3 got one of the car's license plate numbers and gave it to WE#5. CM#4's account was consistent with CM#3's, but CM#4 indicated the suspect had an accent or speech impediment.

E. Media

OPA reviewed the hyperlinked article CM#1 provided. It referenced her political positions concerning the department and suggested she demanded "special treatment," referring to CM#1's alleged request for a police detail outside her home. It also indicated that information came from "multiple sources speaking to [Media #1] on the condition of anonymity." OPA requested a search of department accounts for incoming and outgoing emails to three email accounts associated with Media #1. That search returned an October 14, 2022, email sent at 3:45 PM from Media #1 to the department's communications team stating:

Can I please have the narrative (including date/time) on [CM#1's October 13th incident report]?

That same day at 4:27 PM, the communications team replied:

Hi [Media #1],

Because that case has been assigned to a detective, we're not releasing any information about it until we can discuss it with them. (FWIW, I did make several phone calls but I didn't reach anyone – I think given the time on a Friday we won't have anything until Monday).

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

15.080-POL-2 Follow-Up Unit Notification & Follow-Up Investigation 1. Follow-Up Investigations Will Include Certain Minimum Components



The Complainant alleged that NE#1's investigation failed to include minimum components.

SPD conducts follow-up investigations in certain cases, as determined by either Criminal Investigations Bureau or precinct personnel. SPD 15.080-POL-2. While the course of an investigation depends on the particular facts of the incident, the goals may include the identification, apprehension, and prosecution of involved suspects. *Id.* Follow-up investigations will include analysis and review (reviewing related reports, collecting the suspect's criminal history, and trying to link the suspect to other crimes through a modus operandi analysis), investigative operations (interviewing suspects, witnesses, and victims and viewing the crime scene), and case preparation (prepare case files to the satisfaction and standards of the prosecuting attorney's office). SPD 15.080-POL-2(1).

Here, WE#5 was assigned to investigate CM#1's case on October 14, 2022, at 6:18 AM. According to his case investigation report, by 8:40 AM, he reviewed the related police reports and CAD information and noted possible video doorbells in the area. By 10:14 AM, he reviewed WE#1-4's BWV, in-car videos, and images uploaded to Evidence.com. From those videos, WE#5 created still photos to produce a crime information bulletin to blast throughout the department in hopes of identifying the suspect.

At 10:27 AM, WE#5 contacted the department's video unit "to discuss options for video collection and how best to upload the evidence into Evidence.com." At 10:38 AM, WE#5 left a voicemail for CM#2 requesting a callback. At 10:40 AM, WE#5 spoke with CM#1. They discussed similar prior incidents, possibly related emails CM#1 received, and WE#5 said he would connect with the department's evidence and latent print units. At 11:06 AM, WE#5 called the evidence unit, but it was closed. WE#5 called the latent print unit and spoke with WE#7. At 12:15 PM, WE#5, WE#6, and WE#7 went to CM#1 and CM#2's home and examined several bags of feces for viable prints.



On October 17, 2022, at 8:45 AM, WE#5 discussed "potential investigative methods" with a sergeant. At 11:15 AM, WE#5 spoke with the department's media team about possibly releasing photographs of the suspect to the public. At 11:38 AM, WE#5 contacted a prosecutor about pursuing a warrant for the email account that sent CM#1 emails calling her "Queen of Shit" and a "throne of human excrement." At 12:30 PM, WE#5 completed several searches for that email account without success. At 3:15 PM, WE#5 conferred with a lieutenant and sergeant about the case, and they decided to suspend it pending further information.

Overall, the evidence shows WE#5 at least satisfied minimum investigation standards. His analysis and review included reviewing related reports. Unfortunately, no suspect was identified, so WE#5 could not compile his criminal history or link the suspect to other crimes. WE#5's investigative operations included interviewing two victims (CM#1 and CM#2) and two witnesses (CM#3 and CM#4.) WE#5 also visited and photographed the crime scene and brought WE#7—a latent print examiner—to process several bags of excrement. Moreover, WE#5 discussed investigative strategies with a sergeant and conferred with a sergeant and lieutenant before the investigation was suspended, pending further



information. Last, WE#5 compiled a thorough case investigation report, but there was insufficient evidence (no identification) to send the investigation for prosecutorial consideration.

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

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

Named Employee #1 - Allegation #2

The Complainant alleged NE#1 discriminated against CM#1 due to CM#1's political views.

Bias-based policing is prohibited. SPD Policy 5.140-POL. Bias-based policing is "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." *Id.* It includes differential treatment based on a subject's political ideology. See *id.*

Here, as discussed at Named Employee #1 - Allegation #1, the evidence suggests WE#5 thoroughly investigated CM#1's case. While the attacks against CM#1 were likely politically motivated, OPA found no evidence that CM#1's political views impacted the quality of WE#5's investigation or subjected her to inferior treatment. Conversely, while disgusting and inhumane, the crimes against CM#1 constituted a gross misdemeanor. See RCW 9A.46.020 (Harassment.) Nevertheless, WE#5 made significant investigative efforts to identify the suspect.

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

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

Named Employee #1 - Allegation #3

1.110-POL-1 Public Information 2. Except as May Otherwise Be Authorized by the Chief of Police or His or Her Designee, Employees Shall Not Release Information to the Media or Related Outlets Other Than as Prescribed by This Policy

CM#1 alleged the department leaked information about her case.

Here, CM#1 flagged an article that attributed information about CM#1's alleged request for a police detail to "multiple sources speaking to [Media #1] on the condition of anonymity." However, WE#4's BWV showed CM#2, rather than CM#1, asked for police to post outside their home:

Is there any possibility, since this has been happening like every other night, of stationing an officer here for that period of time?

Although CM#1 told OPA that information "could only have come from inside the police department," WE#4's BWV showed CM#1, CM#3, and CM#4 were present when CM#2 made the request. OPA searched all department accounts for emails to/from accounts associated with Media #1 but found no leaked information. Of course, email is not the only method of leaking information, but it was the most comprehensive departmental search available.



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

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