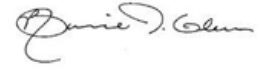

Issued Date: NOVEMBER 27, 2023

From: Deputy Director Bonnie Glenn on Behalf Of Director Gino Betts, Jr.
Office of Police Accountability



Case Number: 2023OPA-0010

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

Finding: Sustained

2. **Allegation #2:** 5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy.

Finding: Not Sustained - Training Referral

- **Proposed Discipline:** Three (3) Days Suspension
 - **Imposed Discipline:** Three (3) Days Suspension

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

Administrative Note on Proposed Findings:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

Executive Summary:

The Complainant made a referral to OPA on behalf of Community Member #1 (CM#1) concerning Named Employee #1 (NE#1), a civilian employee. Complainant referred this to OPA upon the serving of a Pierce County District Court, Reissuance of Temporary Protection Order (TPO) for Harassment and Notice of Hearing at Seattle Police Department (SPD) Headquarters on NE#1. CM#1 alleged NE#1 has repeatedly harassed her via multiple methods of digital

communication and continued the harassment after a request to cease contact and being blocked.

Administrative Note:

On September 26, 2023, OIG certified OPA’s investigation as thorough, timely, and objective.

Summary of Investigation:

OPA received a complaint and opened an intake investigation. During its investigation, OPA reviewed the OPA complaint and supporting documents, Pierce County Temporary Protection Order (TPO) and attachments, and Pierce County Prosecuting Attorney’s Office (PCPAO) Decline Notice. OPA also interviewed both CM#1 and NE#1.

A. OPA Complaint

On January 4, 2023, OPA received a Blue Team internal referral from Complainant regarding a civilian employee, NE#1. The Complainant forwarded the complaint to OPA with the pleading served on NE#1 at SPD Headquarters. The pleading was a Pierce County District Court, Reissuance of Temporary Protection Order (TPO) for Harassment and Notice of Remote Civil Protection Order Full-Evidentiary Hearing.

The pleadings and documentation accompanying it included a December 5, 2022, District Court of Washington, County of Pierce Petition for Protection Order (PPO) for alleged stalking with attachments and filed on January 3, 2023, District Court of Washington, County of Pierce, Temporary Protection Order and Hearing Notice for Harassment. It appears CM#1 also may have alleged “harassment,” but this is unclear from the document. The section for “Harassment” was originally checked off, but it appears CM#1 drew a line through it.

B. Pierce County Temporary Protection Order

On December 5, 2023, the District Court of Washington, County of Pierce, issued a TPO and Hearing Notice for Harassment. The TPO was filed on January 3, 2023 and indicated the Petitioner is CM#1 and the Respondent is NE#1.

The TPO Temporary Restraints included the following terms:

- No Harm: Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk the protected person.
- No Contact: Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with the protected person.
- Exclude and Stay Away: Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance of:
 - The protected person
 - The protected person’s school
 - The protected person’s residence

- The protected person’s workplace
 - Other: two addresses listed
- Stalking Behavior: Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication of the protected person.

The Warnings to the Restrained Person included the following language:

You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing. If you do not obey this order, you can be arrested and charged with a crime.

In addition, attached to the January 3, 2023, TPO and Hearing Notice for Harassment was documentation from the December 5, 2022, District Court of Washington, County of Pierce, Petition for Protection Order.

C. Pierce County Petition for Protection Order (PPO)

On December 5, 2022, CM#1 filed for a PPO against NE#1, Pierce County Civil Court. The December 5, 2022, PPO indicated CM#1 was the Petitioner and NE#1 was the Respondent. Furthermore, there have not been any other court cases between any of the people involved in the PPO. The CM#1 described the type of PPO that best fits her situation was for Stalking, “Protection from someone who has committed stalking” and, possibly, Anti-Harassment (see above footnote 2). The people involved with the PPO included Community Member #2 (CM#2) who CM#1 described as, “my partner[’]s previous partner.” CM#2 was the previous partner of NE#1.

General Restraints for the PPO included:

- No Harm: Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk the protected person.
- No Contact: Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with the protected person.
- Exclude and Stay Away: Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance of:
 - The protected person
 - The protected person’s residence
 - The protected person’s vehicle
 - The protected person’s workplace
 - Other: an address listed

- Stalking Behavior: Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication of the protected person.
- Intimate Images: Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any all disclosure of those intimate images.
- Electronic Monitoring: The restrained person must submit to electronic monitoring.
- Evaluation: The restrained person shall get an evaluation for mental health and chemical dependency.
- Firearms and Other Dangerous Weapons

CM#1 answered "yes" to the questions, "Does the restrained person have or own firearms?" and "Would the restrained person's use of firearms or other dangerous weapons be a serious and immediate threat to anyone's health or safety?"

Additionally, CM#1 answered "yes" to the question, "Even if the restrained person does not have firearms now, has the restrained person ever used firearms, other weapons or objects to threaten or harm you?" Also, CM#1 answered the question, "if Yes, describe what happened":

Photo Evidence Included statements that [CM#1] interpreted as a physical threat:

- a. "Have you Ever Been Scared?"
- b. "This is a War" and
- c. "I'll show you crazy"
- d. "I'm trying to figure out if we care or not."
- e. "But we are kind of sister wives"
- f. "If you blocked me again you shouldn't have"

Most Recent Incidents

[NE#1] began harassing & threatening me on December 3, through December 4, 2022 via phone calls, text, email, Venmo, PayPal, and also signed CM#1 up for pornographic and Christian sites, & therapy sites without the consent of CM#1 and used her personal information. [NE#1] Also, allegedly threatened to use her job status to her advantage

[NE#1] Also, allegedly threatened to use her job status to her advantage

In addition, photos of Venmo requests for \$5.00 from NE#1 to CM#1 were copied. The request from NE#1 indicated it was, "Because you must want herpes". Another Venmo request for \$5.00 was sent from NE#1 to CM#1 that stated it was for: "Also because you've blocked my number". Furthermore, NE#1 sent a PayPal money request to CM#1. The reason for the request indicated, "Because I'm here too [heart]":



- CM#1 requested the PPO to last more than one year and to start immediately. CM#1 did not request the surrender of NE#1's firearms. CM#1 explained her immediate need for a protection order was, "I feel unsafe not having a Protection Order being active immediately."

D. Pierce County District Court Decline Notice

On January 31, 2023, OPA referred this matter to the Pierce County Sheriff's Department for possible criminal misconduct regarding NE#1. On May 19, 2023, OPA requested a follow-up from the Pierce County Sheriff's Department regarding its criminal referral. On June 15, 2023, OPA staff reached out to the Pierce County Prosecuting Attorney's Office and received notification from their office that this matter was declined on June 13, 2023. The decline notification from the Deputy Prosecuting Attorney from the misdemeanors unit indicated as follows, "There is no evidence that any of the communications from the defendant conveyed to the victim were threatening. Furthermore, the defendant has not contacted the victim since December of 2022 when the protection order was put into place."

E. OPA Interview – CM#1

On July 7, 2023, CM#1 was interviewed by a sworn investigator from OPA. CM#1 explained NE#1 dated CM#1's current fiancé CM#2 approximately ten to twelve years ago. NE#1 and CM#2 broke up and CM#1 got together with CM#2. CM#1 explained NE#1 may have been triggered when she began dating CM#2. CM#1 indicated NE#1 reached out to her and CM#2 and harassed both of them. CM#1 believed she was targeted more than CM#2. CM#1 explained she was targeted more with violence and threats of lawyers, showing up and harassing her. Furthermore, she explained NE#1 signed her up for websites for pornography, therapy and drug counseling without her permission. Over the phone or text messages, she recalled NE#1 saying to her she was going to get a team of lawyers to bring me down. Also, she recalled over the telephone that NE#1 had indicated she had access to all my information because she worked for the Seattle Police Department.

CM#1 indicated in December of 2022, NE#1 began sending various messages after she clearly asked her to stop doing so. Ultimately, CM#1 filed for an Anti-Harassment order and had NE#1 served at her place of employment because she did not have a good address for her. CM#1 indicated NE#1 has not had any other contact with NE#1 since the AntiHarassment order was served.

CM#1 explained she feels safe now and NE#1 is abiding by the Anti-Harassment order. Furthermore, that her ideal outcome of this was to be left alone. She hopes NE#1 will leave her

and CM#2 alone. CM#1 explained she did not want to affect her work in any way. CM#1 believes the Anti-Harassment order was beneficial for herself and hopefully for NE#1 as well.

F. OPA Interview – NE#1

On August 4, 2023, NE#1 was interviewed by a sworn investigator from OPA. NE#1 received a copy of the Garrity Advisement and indicated she understood it. NE#1 acknowledged receipt of the complaint by CM#1. NE#1 explained she is a civilian employee at SPD and provides executive administrative support in areas to include payroll, retirement and various other duties at HR. NE#1 explained she does not have a relationship with CM#1, “other than the fact that we were both in a relationship with the same man and other than that, nothing.” NE#1 explained she has never had any face-to-face contact with CM#1. NE#1 acknowledged she sent the text messages attached to the Anti-Harassment order.

NE#1 acknowledged she received a written request from CM#1 by text indicating, “... please do not contact me anymore”. Also, she acknowledged that she did not cease contact, but continued to contact CM#1 after receipt of CM#1’s request. NE#1 explained she continued to contact CM#1 because the ongoing situation had lasted, “I want to say almost two years and the only thing I failed to do was make a case against them before they made a case against me”. NE#1 indicated there had been harassment on her end as well and, “far worse than that and that’s it, I guess.”

NE#1 thought there has been so much built-up anger that there were things sent, “obviously, that I regret but I don’t have any harmful intentions towards this person.” “Again, it was an explosion of terrible things that happened to me and I reacted in the wrong way”. Messages from NE#1 to CM#1 included:

- “Have you ever met a person that scared you?”
- “I was nice princess but now hope CM#2 protects you.”

NE#1 acknowledged registering CM#1’s email or phone number to the following websites: Better Health, Meet with Missionaries, P and G good everyday, bet life and the Church of Jesus Christ of Latter-Day Saints.

Additionally, NE#1 acknowledged she used Venmo and PayPal to continue sending CM#1 messages, after she was blocked by CM#1. She explained these methods were used in prior conversations and used intentionally for people to, “see me in this way, this manner...”.

NE#1 denied every using department or government resources to look up any of CM#1’s information. NE#1 explained, “Never. I haven’t violated one resource of my work to search either of them and I never would because my career would be in jeopardy.” Additionally, she denied ever using department resources to send these messages.

NE#1 denied any contact with CM#1 since being served with the Anti-Harassment order. She indicated she has gone through a lot over the last two year with CM#2 and CM#1 and has gotten through the other side of this.

NE#1 acknowledged a violation of Professionalism under 5.001 – Standards and Duties POL-10, when asked if she thought she did. However, NE#1 does not believe she violated 5.001-POL-2,

Employees Must Adhere to Laws, City Policy, and Department Policy. NE#1 explained she has not violated any federal laws, state laws or laws with the City of Seattle.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

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

The Complainant alleged that NE#1

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.) Additionally, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (*Id.*) Furthermore, the policy states: “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 states that Department employees, while on duty or in uniform, will not publicly ridicule: “the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system or police profession. This applies where such expression is defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.” (*Id.*)

In the present case, NE#1 acknowledged she violated SPD Policy 5.001-POL-10 that requires that SPD employees “strive to be professional”. Here, NE#1 violated this policy by the sending of text messages that were cumulatively of harassing and derogatory nature and added CM#1 to various websites without her permission. Additionally, this policy instructs Department employees to avoid unnecessary escalation of events even if those events do not end in reportable uses of force. NE#1 acknowledged regret for her actions and has had no further contact with CM#1 since the entry of the Anti-Harassment Order.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy.

The Complainant alleged that NE#1

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

OPA referred this matter to the Pierce County Sheriff’s Department and the Pierce County Prosecuting Attorney’s Office. The Pierce County District Court Misdemeanor unit declined to file charges on this matter, given there was no evidence the communication was threatening and

there had been no contact between the parties since the entry of the Anti-Harassment order. The burden of proof in this matter is by a preponderance of the evidence, which is less than the criminal burden of proof beyond a reasonable doubt; however, based on the evidence provided, by a preponderance of the evidence, in review of the totality of the circumstances, no violation of SPD Policy 5.001-POL 2 is found.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- Training Referral: NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policies 5.001-POL-10 and 5.001-POL-2 and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**