Seattle
Office of Police
Accountability

CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 30, 2023

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0088

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication.	Not Sustained - Unfounded

Named Employee #3

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 Complainants alleged that Named Employee #1 (NE#1)—an SPD officer and Community Police Commission (CPC) commissioner—"slandered [them] with false information and accusations" at a CPC meeting.

ADMINISTRATIVE NOTE:

On August 23, 2023, the Office of Inspector General (OIG) certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

At a February 15, 2023, CPC meeting, NE#1 and other commissioners discussed a February 14, 2023, CPC event. Specifically, they addressed a confrontation between the Complainants and CPC members at the event. OPA reviewed the recorded February 15th meeting. In summary, NE#1 said before the February 14th event, CPC#1—a CPC staff member—agreed to allow Complainant #1 to speak at the event. However, Complainant #1 said she would not attend. Nevertheless, when CPC members arrived at the venue, Complainant #1 was there. NE#1 also said Complainant #2 "decided to not only disrupt the meeting but to walk around the room and instigate situations in which set the public and the community against the CPC." NE#1 said:

> *We attempted to shut [Complainant #1] down because we gave her conditions before the meeting, and she did not want to adhere to them…She wanted to yell and scream and talk*

> *about her brother…we can't hear her, and we can't get her message because of the yelling and screaming that she does when we have told her several times that she needs to calm down when she comes to meetings so that we can get her information so that we can understand where she's coming from, but she refused to do that.*

Further, NE#1 indicated that CPC "had a wonderful conversation with the youth until [Complainant #1] came up with her situation, which disrupted the whole meeting." CPC#2—another CPC commissioner— suggested that NE#1 be "general or brief" with criticisms. NE#1 replied:

> *They are characters who do the same thing in many meetings, and I want us to be prepared for them the next time they attempt to do this... There are also people that are coming and purposely trying to disrupt our meeting and trying to separate us from the public and make us look bad in front of the public and the citizenry, and that's not fair either we can't get anywhere when we have certain disruptors showing up because they have a personal problem with CPC.*

OPA also reviewed the recorded February 14th event. It captured NE#1 present and Complainant #1's address. Complainant #1 sat in the audience when CPC#1, who spoke with a microphone at the front of the room, asked Complainant #1 whether she had a question. Complainant #1 said she had no questions but did have a comment. She began by speaking about her brother's 2004 tragic killing by an SPD officer and then switched to critiques about CPC. Complainant #1 spoke for roughly a minute before CPC#1 interjected. Complainant #2 yelled, "Let her speak," and "It's the young people who need to listen to [Complainant #1], not to you." Complainant #2 also yelled, "Let the young people decide what they want to hear!" An unidentified attendee told CPC#1, "This is an open conversation, and you're cutting off members of the public." CPC#1 told Complainant #1, "This is not the time," and indicated that she was ending the event. Complainant #1 continued loudly addressing CPC#1 and the commissioners, saying she was being censored. CPC#1 repeated that Complainant #1 was invited to attend but declined. An attendee said she wanted to hear from Complainant #1. CPC#1 asked Complainant #1 to readdress the group, and another CPC staffer gave Complainant #1 a microphone. As Complainant #1 prepared to speak, CPC#1 said, "I am very disappointed." Complainant #1 replied, "[CPC#1], I don't need your approval. I'm not here to ask for your approval, [CPC#1]."

Complainant #1 addressed the crowd with the microphone for about seven minutes. CPC#1 suggested that Complainant #1 sought "justice for her brother." Complainant #2 rebutted, "No. She's trying to get the CPC to do its job!" An audience member said she understood that CPC wanted to keep things respectful and organized but suggested that honest and uncomfortable conversations should be welcomed. Various attendees expressed displeasure with how CPC handled Complainant #1. Complainant #2 repeatedly said, "Let the youth have the last 15 minutes." However, another attendee said, "This happens every single meeting. You are just seeing this for the first time." She then pointed at Complainant #2 and said, "This man here has taken advantage of the Black community," and called him a persistent "pot-stirrer." That attendee also told Complainant #2, "The Black community does not need you as our white savior…. We can carry our own water." He replied, "The only one pitting anyone is you," and "You're the one who pushes Black Lives Matter protestors! You assault them!" The meeting ended soon thereafter.

OPA also reviewed email correspondence between Complainant #1 and CPC#1.

- January 19, 2023, at 11:15 AM (sent by Complainant #1): Complainant #1 asked for herself and "other impacted folks" to speak at CPC's 9:00 AM meeting.

- January 23, 2023, at 3:25 PM (CPC#1's reply): CPC#1 said she only set the agenda for CPC's community engagement events. She suggested CPC hosting a meeting at a community center "to better engage," saying, "The whole intent was to allow space for you to have more time to provide information in a manner that is not rushed to gain a better understanding of your brother's tragic death." CPC#1 concluded, "If you change your mind, please let me know in the next day or two. I am happy to find a location and any resource that I can to support the conversation."
- January 26, 2023, at 10:00 AM (Complainant #1 replied): Complainant #1 wrote:

> *To make sure I'm correct, in a time where the Seattle police just murdered a young woman on Monday, which was right after a man died in the [King County] jail, you all are not open to hearing from impacted families, victims, or the community about our concerns for a body created specifically to hold Seattle police accountable in your daytime meeting? Is that correct?*

- January 26, 2023, at 5:26 PM (CPC#1 replied): CPC#1 reiterated that she only controlled CPC's community engagement agendas and that "All other matters, times and request must go through the CPC Commissioners and Co-Chairs."
- January 26, 2023, at 5:52 PM (Complainant #1 replied): Complainant #1 said CPC disrespected her and her brother's memory and refused "to take accountability for [its] actions." She further suggested that CPC only reached out "to save face and not to [actually] show how your own actions are silencing and hurting [impacted] communities."

On March 7, 2023, OPA interviewed Complainant #1 over the phone. Complainant #1 told OPA that she never told CPC she would not attend the February 14th event or had no agreement with CPC to limit her comments to her brother's death. She also said neither she nor Complainant #2 was disruptive at the event. Complainant #1 suggested that any disruption started with CPC interrupting her initial comments. She also said she raised her voice to ensure the attendees heard her since it was a large room.

On August 22, 2023, OPA interviewed Complainant #2 over the phone. Complainant #2 denied instigating animus toward CPC at the February 14th event. He said he occasionally yelled for CPC to allow the students to speak and to encourage those who spoke up.

On July 14, 2023, OPA interviewed NE#1. NE#1 said he was an SPD officer for 33 years and a CPC commissioner for four years. NE#1 said as a commissioner, he represented his union and provided a law enforcement perspective. NE#1 said that before the February 14th event, he knew Complainant #1 attended public meetings "to get her message out." NE#1 said he was more familiar with Complainant #2, with whom he recounted prior conversations. He said although they disagreed, those conversations were mutually respectful. He said before the February 14th event, Complainant #1 "wanted a space to talk about her brother being killed," so CPC#1 offered her a spot on the agenda. NE#1 said Complainant #1 declined because she wanted "unlimited time," which CPC#1 could not provide. NE#1 suggested that Complainant #1 said, "Well, okay, then I'm not coming to the meeting." However, Complainant #1 showed up with Complainant #2 filming. NE#1 said that Complainant #2 told attendees that CPC was silencing Complainant #1, which caused attendees to grow angry with the commissioners. At the February 15th meeting, NE#1 said he addressed the Complainants'—particularly Complainant #2's—behavior because it could potentially incite danger at future events. NE#1 said he was obliged as a police officer to raise those concerns.

CPC#1 told OPA:

> *[Complainant #1] was invited to attend the community engagement meeting and have the entire meeting to talk about her concerns. I really tried to provide a platform for [Complainant #1] that would allow her to speak freely, without a two-minute warning, or take up the bulk of a two-hour meeting with up to 80+ community members who would also like to share their concerns, but oftentimes time runs out.*

CPC#1 as said:

> *[Complainant #1] informed me she was not interested in attending the Community Engagement meeting. She didn't feel the meeting would provide her with the audience that she felt she needed to hear her concerns. She had a list of conditions and insisted on attending the regular 9 a.m. CPC meeting, over which I have no control over the planning and agenda of.*

CPC#1 said when Complainant #1 was unresponsive to her offer, she pivoted the February 14th event's agenda to cater to a youth group she invited.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1
5.001 Standards and Duties 10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional by slandering them with false information and accusations at a CPC meeting.

SPD employees must "strive to be professional." 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," whether on or off duty. *Id*. Additionally, employees must "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id*. "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*. Last, 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*.

Here, NE#1 said he was compelled to report the Complainants' behavior at the February 14th event at CPC's February 15th meeting because they could potentially incite danger at future events. However, while attendees were frustrated and broadly supportive of the Complainants, OPA saw no evidence of imminent danger or encouraged violence. Nevertheless, although his interpretation differed, OPA does not find that NE#1's report constituted derogatory, contemptuous, or disrespectful language toward the Complainants. As discussed below, NE#1 described the Complainants' behavior as he reasonably perceived, which does not violate this policy. *See* SPD Policy 5.001- POL (It is not the department's intent to interfere with or constrain the freedoms and liberties of employees.) For these reasons, and those at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2
5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication.

The Complainant alleged that NE#1 was untruthful about their behavior at the February 14th CPC event and communications leading up to it.

Employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11. The Seattle Police Officers' Guild's collective bargaining agreement (SPOG CBA) notes that a sustained complaint involving dishonesty during an officer's official duties carries a "presumption of termination." SPOG CBA, at § 3.1. Therefore, for termination cases where the allegation is stigmatizing to a law enforcement officer, the standard of review is elevated (i.e., more than a preponderance of the evidence). *Id*.

Here, NE#1's understanding of communications between Complainant #1 and CPC#1 came from his conversation with CPC#1. NE#1 was not copied on Complainant #1's and CPC#1's email correspondence. So, his representation at the February 15th CPC meeting that Complainant #1 declined a spot on the February 14th agenda and indicated that she would not attend was based solely on his comprehension of CPC#1's account. At best, NE#1 may have misunderstood or been misinformed rather than intentionally spreading untruths about Complainant #1. Moreover, CPC#1's belief that Complainant #1 would not attend and was uninterested in speaking at the February 14th event was not unreasonable since their last email correspondence suggested that Complainant #1 was dissatisfied with that offer.

Similarly, NE#1's report about Complainant #2 being disruptive and instigative at the event was reasonably based on his perception. Complainant #2 was on video calling for CPC to divert from its agenda to allow Complainant #1 and student attendees to speak. Even if it was not an unreasonable request, nor was NE#1's perception of it as disruptive and instigative, particularly when attendees started joining in the Complainants' frustration with CPC.

Recommended Finding: **Not Sustained - Unfounded**