



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 30, 2025

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS JR  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0194

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 Bias-Free Policing 2. Officers Will Not Engage in Bias Based Policing	Sustained
# 2	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
# 3	5.001 Standards and Duties 10. Employees will strive to be Professional	Sustained

#### Imposed Discipline

Retired Prior to Proposed Discipline – Termination

***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 several social media posts that violated SPD's social media policy, were unprofessional, and reflected bias.

### ADMINISTRATIVE NOTE:

On October 13, 2023, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

NE#1 separated from SPD on June 28, 2023. Given his unrepresented status, no 180-day timeline applies.

### SUMMARY OF INVESTIGATION:

On May 3, 2023, OPA received a media inquiry asking whether NE#1's social media activity was under investigation. "[NE#1] recently tweeted that Ashli Babbitt, a participant in the January 6 insurrection who was shot while climbing through a broken window into the Capitol, was killed in a 'government sanctioned murder'." It included a link to NE#1's X page,<sup>1</sup> and stated, "Additionally, many of his other tweets are explicitly anti-trans and racist, referring to black people as 'thugs' and saying white people are victimized for their race."

OPA opened an intake investigation, reviewing NE#1's X activity, including the following posts:<sup>2</sup>

<sup>1</sup> Around July 2023, Twitter was renamed "X." This DCM refers to it as X but posts as "tweets."

<sup>2</sup> NE#1's X account displayed his name, photograph, years of police service, and status as a police commander. NE#1's X handle included his last name. NE#1's X account had a blue check mark, indicating the account user subscribed to the paid version and of X, which required a level of identity verification.



DATE	TWEET
March 23, 2023	"Democrats own this. Democrats hate normal people, and they protect violent thugs. #KeepTheRepublicSafe" <sup>3</sup>
March 24, 2023	"Transwomen are men." #KeepTheRepublicSafe
March 24, 2023	"Democrats let violent animals like this [Black suspect] back out on the streets to kill Americans." <sup>4</sup> #KeepTheRepublicSafe
March 27, 2023	"Actually, Pelosi coordinated the deadly attack, and Ashli Babbitt was murdered. Would be great to see this criminal face accountability for her crime." <sup>5</sup>
March 31, 2023	"It's time for Republican prosecutors across the country to start investigating Pelosi, Schumer, Swalwell, etc. I'm giving you the names, now find the crimes." #KeepTheRepublicSafe
April 28, 2023	"Men and women who pretend to be the other sex are appropriating gender." #KeepTheRepublicSafe
April 29, 2023	"He's a man." <sup>6</sup>
April 30, 2023	"Durkin, Scoggins, and Best lied, repeatedly. It's time to hold them, instead of the taxpayers, accountable." <sup>7</sup>
May 2, 2023	"His name is [X]. He is gender defiant or gender confused, and he needs mental health help." <sup>8</sup>
May 2, 2023	"His name is [X]. He is a man. He has mental health issues, and he needs help." <sup>9</sup>
May 4, 2023	"Hey Fauxahontas, We ARE in a recession. Just because the Biden administration changed the definition doesn't mean we aren't in a recession heading to a depression. Just like changing the definition of women doesn't change what a woman is. Normal people understand this." <sup>10</sup>
May 7, 2023	"Democrats have made their agenda clear. They want to kill babies in ALL 50 states." <sup>11</sup>
May 8, 2023	"Democrats enjoy—deeply—chopping up babies and selling their body parts. If they didn't enjoy it, they'd immediately work to pass laws to prevent babies from being chopped up in mass abortions. But they won't, because they viscerally enjoy the sight of it."

On May 3, 2023, a local media outlet published a story concerning NE#1's tweets under the headline, "Seattle Cop Mocks Trans People, Blames Jan. 6 Riots on Pelosi . . ."

On May 10, 2023, OPA received a complaint describing NE#1's Facebook posts as "unbecoming of an officer of the law and against his oath." The Complainant provided an excerpt of a video posted to NE#1's Facebook page, showing NE#1 giving a "fireside chat."

<sup>3</sup> In response to a photo of a Black male teen who was accused of a violent crime.

<sup>4</sup> May 3, 2023, PUBLICOLA article: "Seattle Cop Mocks Trans People, Blames Jan. 6 Riots on Pelosi; County Council Plays It Safe by Proposing Flat Levy Renewal." OPA could not independently locate a copy of this tweet.

<sup>5</sup> A tweet from NE#1 in response to a tweet.

<sup>6</sup> In response to a tweet that read, "[A famous transgender woman] calls for the arrest of people who call him a man. Do you still think I've been too mean to this guy?"

<sup>7</sup> In response to tweet concerning the East precinct's closure.

<sup>8</sup> Concerning a transgender state legislator.

<sup>9</sup> Concerning a transgender state legislator.

<sup>10</sup> In response to a U.S. senator's tweet.

<sup>11</sup> In response to a U.S. senator's tweet.



In it, NE#1 espoused support for “civil disobedience,”<sup>12</sup> and stated:

*“So, what do they do? We have things going on that they don't agree with. They have- It's not civil, but they have disobedience. They destroy cities. They destroy towns. They destroy America. They destroy businesses, they destroy all kinds of things.*

*And I'm going to talk about tonight a little bit about civil disobedience. I don't know exactly all the laws that are passed here in Washington State. But we're going to find out more about them.*

*I'm going to suggest this; that we need to get involved and we need to get involved in protesting what's going on in our state. And by doing that with civil disobedience. For example. We're gonna suggest that none of you pay for your tabs anymore. Your car tabs, don't pay them.”*

NE#1 retired on June 28, 2023, tweeting:

After 33 years 1 month and 26 days, today I retired from the Seattle Police Department as a Captain. Now I am free to say what I think, and the leftists and beta males who called internal investigations on me to try to get me fired can bring it. [#FreeAtLast](#)  
[#KeeptheRepublicSafe](#)

10:54 PM · Jun 28, 2023 · 425.7K Views

On October 3, 2023, OPA emailed NE#1 an interview request. On October 5, 2023, NE#1 replied, “Thank you for the invitation, but I respectfully decline.”

### **ANALYSIS AND CONCLUSIONS:**

#### **Named Employee #1 - Allegation #1**

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

The Complainant alleged that NE#1's social media activity constituted bias-based policing.

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.” SPD Policy 5.140-POL. This includes different treatment based on gender, gender identity, political ideology, and race. See *id.* Officers may not (i) make decisions or take actions influenced by bias and (ii) express prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

<sup>12</sup> “Civil disobedience” is “the refusal to obey a law because it is thought to be unfair or undesirable. It is usually non-violent behavior.” Black's Law Dictionary, 2d Ed., available at <https://thelawdictionary.org/>.



NE#1 made prejudiced and derogatory comments based on at least three specific individuals' personal characteristics based on their gender, gender identity, and race. He described the transgender community as "appropriating gender." Specifically, under a transgender woman's photos, NE#1 wrote, "Men and women who pretend to be the other sex are appropriating gender." He typed, "He's a man," in response to a transgender woman's photo and suggested that transgender people are "gender defiant," "gender confused," and "need[] mental health help."

Moreover, NE#1 referred to a Black teenager who had been arrested for an alleged crime as a "Thug" based on an X tweet in response to a reduction of bail given by the court. NE#1 also made a statement on an X tweet stating, "Democrats let violent animals like this [Black suspect] back out on the streets to kill Americans." Those posts were made while NE#1 worked at SPD. The evidence established that NE#1 more likely than not violated SPD's policy by expressing prejudiced and derogatory comments concerning gender, gender identity, political ideology, and race on social media.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #2**

***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***

The Complainant alleged that NE#1's social media posts negatively impacted SPD's ability to serve the public.

SPD acknowledges that employees may "express themselves as private citizens on social media sites" but cautions that social media activity could "have a bearing on employees in their official capacity as they are held to a high standard by the community." SPD Policy 5.125-POL-2. Employees may not make, share, comment, or otherwise engage in social media activity 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).

NE#1's social media activity ridiculed, maligned, disparaged, and expressed bias and disrespect toward (1) African Americans by referring to Black suspects as "animals" and "thugs"; (2) transgender women by repeatedly, pointedly, and intentionally misgendering them, calling them "gender defiant," "gender confused," and suggesting they need mental health treatment; (3) Democrats, by stating they hate "normal people" and "deeply" and "viscerally enjoy the sight of" "chopping up babies and selling their body parts;" and (4) encouraged civil disobedience by suggesting individuals not pay their car tabs. NE#1, a police captain, engaged in social media activity that negatively impacted SPD's ability to serve the public. NE#1 swore to protect and serve the entire community, including those with differing beliefs and characteristics.

While individuals are afforded free speech, as discussed in Allegation #3, NE#1's speech more likely than not has cost SPD credibility and trust with its community and deepened public distrust in the department.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**



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**Named Employee #1 - Allegation #3**

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

The Complainant alleged that NE #1's social media activity was unprofessional.

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.*

For the reasons above, at Allegations #1 and #2, NE#1's behavior fell short of the Department's standards. SPD officers are expected to "treat all people with dignity," focusing on "community caretaking." SPD Policy 5.001-POL. The "guiding principle" is to "treat everyone with respect and courtesy." *Id.*

Civil servants—including police officers—do not forfeit their First Amendment rights, but a public employer, such as a police department, may appropriately limit those rights. *See Pickering v. Board of Ed.*, 391 U.S. 563 (1968). A public employee's free speech protections are evaluated under the *Pickering/Connick* test: (1) whether the plaintiff spoke on a matter of public concern; (2) whether the plaintiff spoke as a private citizen or public employee; (3) whether the plaintiff's protected speech was a substantial or motivating factor in the adverse employment action; (4) whether the state had an adequate justification for treating the employee differently than other members of the public; and (5) whether the state would have taken the adverse action absent the protected speech. *Eng v. Cooley*, 552 F.3d 1062, 1070 (9th Cir. 2009).

Even assuming NE#1 spoke in his private capacity and on matters of public concern, the Department's interest in maintaining trust, respect, and a sense of safety within the diverse communities it serves strongly outweighs NE#1's interest in posting these comments:

- "Transwomen are men. #KeepTheRepublicSafe"
- "Men and women who pretend to be the other sex are appropriating gender. #KeeptheRepublicSafe"
- "His name is [X]. He is gender defiant or gender confused, and he needs mental health help."
- "Hey Fauxahontas, We ARE in a recession. Just because the Biden administration changed the definition doesn't mean we aren't in a recession heading to a depression. Just like changing the definition of women doesn't change what a woman is. Normal people understand this."
- "Democrats let violent animals like this [Black attacker] back out on the streets to kill Americans. #KeepTheRepublicSafe"
- "Democrats own this. Democrats hate normal people, and they protect violent thugs. #KeeptheRepublicSafe"
- "Democrats enjoy—deeply—chopping up babies and selling their body parts. If they didn't enjoy it, they'd immediately work to pass laws to prevent babies from being chopped up in mass abortions. But they won't because they viscerally enjoy the sight of it."

NE#1's publicly shared comments about, and attitudes toward, certain protected classes were unprofessional and highly offensive. At a minimum, the evidence established that NE#1's behavior, more likely than not, undermined public trust in him and SPD.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**