

Issued Date: JUNE 22, 2024**From:** Director Gino Betts, Jr. 
Office of Police Accountability**Case Number:** 2023OPA-0532

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-15. Employees Obey any Lawful Order Issued by a Superior Officer
Finding: Not Sustained - Unfounded

Executive Summary:

The Seattle Police Department (SPD) agreed to assist the University of Washington Police Department (UWPD) with responding to a demonstration at the University of Washington (UW). The Complainant—an assistant chief—alleged that Named Employee #1 (NE#1)—a captain—disobeyed his order by leaving her post during a Seattle Police Operations Center (SPOC) activation for the demonstration.

Administrative Note:

On June 18, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

A. OPA Complaint

On December 12, 2023, the Complainant submitted an OPA complaint, writing that he told NE#1, SPOC's captain, his expectations for SPOC activations before the UW demonstration. Specifically, he instructed NE#1 that the SPOC lieutenant or captain must be present for all activations and both for demonstration activations. The Complainant wrote that NE#1 acknowledged his directive. He wrote that SPD later approved UWPD's request for SPD's support for an upcoming on-campus demonstration. The Complainant wrote that he notified

NE#1 and asked her to respond to UWPD's request via email, to which NE#1 agreed. The Complainant wrote that when he called SPOC for an update on SPD's deployment, he learned that the SPOC lieutenant—Witness Employee #1 (WE#1)— was out sick, and NE#1 left town. The Complainant wrote that NE#1 disobeyed his order concerning SPOC activation coverage.

OPA investigated the complaint, reviewing email correspondence, the computer-aided dispatch (CAD) call report, the "Initial SPOC Briefing, Captain [NE#1]" document, and NE#1's timesheet. OPA also interviewed NE#1, Witness Employee #2 (WE#2), a SPOC sergeant, and the Complainant.

B. Email Correspondence

On December 7, 2023, at 1:37 PM, UWPD's deputy chief emailed SPD to request assistance ensuring a peaceful demonstration on UW's campus. NE#1's response—a letter addressed to UWPD's deputy chief—indicated that SPD approved the request and would deploy fourteen officers for the demonstration. The Complainant requested that that letter be sent to UWPD's deputy chief.

C. Computer-Aided Dispatch (CAD) Call Report

On December 7, 2023, at 3:28 PM, "[SERVICE CALL OUT] ASSIST OTHER AGENCY - ROUTINE SERVICE" was coded into CAD.

D. "Initial SPOC Briefing, Captain [NE#1]" Document

A two-page "Initial SPOC Briefing, Captain [NE#1]" document outlined expectations and directives—one of which provided the following under the "Activations" section:

*The SPOC [lieutenant] or [captain] needs to be present during all activations (**both need to be present at all activations regarding demonstrations**). Both must be present for activations for major events (e.g., Winter Classic, May Day, Pride Parade, 4th of July, etc.)*

E. Timesheet

NE#1's timesheet showed that on Thursday, December 7, 2023, NE#1 worked eight hours and took no time off. The timesheet did not indicate when NE#1 started or ended that day. On Friday, December 8, NE#1 coded holiday pay, a paid leave time. NE#1 did not code working hours for Saturday, December 9.

F. OPA Interviews

1. Named Employee #1 (NE#1)

On May 13, 2024, OPA interviewed NE#1. NE#1 said she was the SPOC captain. NE#1 said WE#2 told her that the mutual aid agreement was a routine activation that required SPD officers to stand by until UWPD needed assistance. NE#1 also described a meeting with the Complainant on November 22, 2023. NE#1 said the Complainant expected NE#1 to be present during Saturday demonstrations. NE#1 believed this was an abnormal SPOC practice since a lieutenant and sergeant oversaw SPOC operations. NE#1 said the Complainant implemented new rules,

such as requiring NE#1 to work beyond her typical work schedule. NE#1 said she expressed concern about deviating from standard business practice and noted that her union, the Seattle Police Management Association (SPMA), would need to be consulted. NE#1 said the conversation became contentious, claiming that the Complainant made unprofessional statements.

NE#1 said she knew about the demonstration at UW but insisted she was on pre-approved leave. NE#1 said the Complainant called on the day of the demonstration, informing her that the chief of police approved the mutual aid request from UWPD. NE#1 said the Complainant also requested that she fill out a form before leaving, and she complied. NE#1 insisted that the Complainant knew about her leave because he approved it around November 29, 2023, which NE#1 said could be corroborated by email exchanges. NE#1 said she did not speak with the Complainant after she filled out the form, and the Complainant did not ask her to stay. NE#1 noted that even though captains managed their work hours, the Complainant requested NE#1 to send leave requests to him for approval. NE#1 described the SPOC activation for the demonstration at UW as typical and said her role was to fill out the form as the Complainant requested. NE#1 said she contacted SPOC staff and WE#2 before departing. NE#1 said WE#2 told her everything was handled and to enjoy her time off. NE#1 believed that the Complainant approving her leave request and then submitting an OPA complaint about her absence during the SPOC activation was a setup. NE#1 noted that she never received an OPA complaint for insubordination in her 28-year law enforcement career and that the Complainant never spoke to her about his insubordination allegation.

2. Witness Employee #2 (WE#2)

On June 5, 2024, OPA interviewed WE#2. WE#2 said he worked as a SPOC sergeant for about two years, during which SPOC did not have a permanent captain until October 2023. WE#2 recalled NE#1 checking in with SPOC staff before departing and telling them to call her if they needed anything. WE#2 said SPOC staff knew about NE#1's leave. WE#2 did not believe the SPOC activation required a captain's supervision, given SPD's minor role in assisting UWPD. WE#2 recalled that WE#1 was out sick on the incident date, making WE#2 the acting lieutenant.

3. The Complainant

On June 10, 2024, OPA interviewed the Complainant. The Complainant said he had worked as a SPOC lieutenant during many demonstrations. The Complainant said the SPOC manual, implemented in October 2023, required the captain and lieutenant to be present during the SPOC activation for the demonstration at UW. The Complainant said he called WE#2—not NE#1—for updates and learned that WE#1 was out sick. The Complainant believed NE#1 disregarded his order since NE#1 and WE#1 were absent for the SPOC activation. The Complainant recalled working with NE#1 on several leave requests and acknowledged that he approved them, though he could not remember the specific leave dates. The Complainant also recalled communicating with NE#1 on the incident date, including instructing her to fill out a form, which NE#1 did. The Complainant said he assumed NE#1 oversaw the SPOC activation and was shocked to learn she departed for the day. The Complainant said NE#1 believed she was allowed to leave after completing the form, but that was not something he had communicated to her. The Complainant

said he did not call NE#1 after learning about her departure. The Complainant said he spoke with WE#2 and oversaw the SPOC activation from home, coordinating with SPD's deputy chief.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 was absent during a SPOC activation for a demonstration, constituting unprofessionalism.

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.*

As discussed below at Named Employee #1 – Allegation #2, NE#1 did not disregard the Complainant's orders. Moreover, NE#1 took appropriate steps to notify and prepare the Complainant and her reports for her pre-approved leave during the SPOC activation. According to WE#2, SPOC's staff knew that NE#1 had a scheduled day off, approved by the Complainant, on the incident date. Before NE#1 left, she checked with her staff, including WE#2. WE#2 said NE#1 told them to call her if they needed anything despite her approved day off. NE#1 said WE#2 told her everything was handled and to enjoy her time off. Arguably, NE#1 should have exercised prudence—mainly since the SPOC lieutenant was out sick and there was a demonstration activation—by reminding the Complainant that she had a pre-approved day off on the incident date. However, OPA cannot conclude that failing to remind the Complainant violated the department's professionalism policy.

Accordingly, 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-15. Employees Obey any Lawful Order Issued by a Superior Officer

The Complainant alleged that NE#1 left her leadership post in violation of a superior officer's order, constituting insubordination.

Department employees must obey any lawful order issued by a superior officer, SPD Policy 5.001-POL-15. Failure to obey lawful orders from a superior officer constitutes insubordination. *Id.*

Here, NE#1's leave was pre-approved by the Complainant. The Complainant acknowledged approving NE#1's leave requests, even though he could not recall the dates. NE#1 insisted that the Complainant knew about her leave because he approved it around November 29, 2023, and—on December 7, 2023—told her to fill out a form before she departed. As the Complainant directed, NE#1 filled out the form and corresponded with UWPD's deputy chief concerning

UWPD's mutual aid request. There was no notice from the Complainant or anything for NE#1 to extrapolate or reasonably deduce that her pre-approved leave was revoked. Conversely, the Complainant communicated with NE#1 several times before her departure but never ordered her to stay, and then—instead of calling NE#1 or WE#1 directly—called SPOC and communicated with WE#2. There is insufficient evidence that NE#1 disobeyed the Complainant's order, given her pre-approved leave and compliance with the Complainant's directives on the incident date.

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

Recommended Finding: **Not Sustained - Unfounded**