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**Issued Date:** AUGUST 12, 2024

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



**Case Number:** 2024OPA-0088

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

- 1. Allegation #1:** 5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing  
**Finding:** Not Sustained - Unfounded (Expedited)
  
- 2. Allegation #2:** 15.180, Primary Investigations, 15.180-POL-5, Officers Shall Document all Primary Investigations on a Report  
**Finding:** Allegation Removed

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**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.**

### **Executive Summary:**

A civilian victim advocate (Complainant) alleged a Sexual Assault Unit (SAU) detective (Named Employee #1 or NE#1) did not give the same amount of care and thought to investigations involving the transgender community.

### **Administrative Note:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee involved in this case.

On April 4, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### **Summary of Investigation:**

SPD's Equal Employment Opportunity (EEO) Office investigated a complaint originally submitted by an SPD supervisor. The investigation concerned a conversation between the Complainant and NE#1 in which the Complainant alleged NE#1 made statements about the transgender

community such as “all trans people are mentally ill” and that transgender people are “delusional.” The alleged comments made by NE#1 is being investigated by EEO. In their Blue Team complaint, the SPD supervisor wrote the Complainant alleged NE#1 “did not give the same amount of care and thought to investigations involving the transgender community.” In their EEO interview, the Complainant denied making that allegation, instead stating they lacked data to support such a statement. But the Complainant referenced a case handled by another advocate (Advocate #1) that raised concerns about NE#1’s investigation regarding a transgender individual (Community Member #1 or CM#1). The Complainant stated they had no personal knowledge of that case.

OPA investigated that complaint, reviewing documents related to CM#1’s cases. These included NE#1’s incident/offense report supplements and King County Prosecuting Attorney’s Office (KCPAO) documents. OPA also interviewed Advocate #1.

In her OPA interview, Advocate #1 described CM#1’s case, stating they were unsure whether any bias affected the outcome. Advocate #1 stated CM#1 had been the victim in previous sexual assault cases and that, in one of those cases (Case #1), CM#1 lied to detectives, resulting in the prosecutor’s office not filing charges despite the existence of DNA evidence. Court records show this case was, in fact, filed, but was dismissed on December 14, 2020, on the prosecution’s motion after additional facts created concerns the prosecution could not meet their burden of proof at trial. Advocate #1 stated, because of Case #1, the KCPAO would only file charges for cases involving CM#1 if there were video evidence. Advocate #1 was aware NE#1 interviewed CM#1 for a later case (Case #2). Advocate #1 heard NE#1 and another detective discussing Case #1 and how CM#1 lied. Advocate #1 found this analysis concerning because CM#1 was a crime victim and there was DNA evidence for Case #2. Advocate #1 said they did not know what else could have been done on Case #2.

NE#1’s case investigation for Case #2 showed NE#1 interviewed CM#1 about the incident. NE#1 submitted paperwork to have a sexual assault kit tested at the crime lab, attempted to contact the suspect multiple times, and submitted paperwork to have blood and urine samples tested at the toxicology lab. NE#1 submitted Case #2 to KCPAO for review for charges of Rape in the Second Degree. NE#1’s supervisor approved NE#1’s report. KCPAO declined to file charges noting there was “insufficient evidence to prove a crime occurred beyond a reasonable doubt.” Specifically, KCPAO noted CM#1 had no independent recollection of the incident due to “alcohol or drug-induced amnesia,” but this did not render CM#1 incapable of giving consent *per se*. KCPAO noted there were no other witnesses, nor was there any relevant video that could show the victim’s demeanor and motor skills. KCPAO noted that, even if the state could prove sexual contact or intercourse occurred, there would be insufficient evidence to prove the suspect knew CM#1 was incapable of giving consent.

OPA also reviewed NE#1’s interview of CM#1 for Case #2, noting it appeared thorough. OPA could not identify anything in the interview to indicate bias.

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### **Analysis and Conclusions:**

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

**5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing**

The Complainant alleged NE#1 engaged in bias-based policing.

SPD policy prohibits biased policing, which it defines as “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 the gender, gender identity, or sexual orientation of the subject. See *id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

This allegation is unfounded. OPA did not observe any evidence that suggested NE#1’s investigation for Case #2 was deficient or biased. NE#1 interviewed CM#1, submitted paperwork to have DNA, blood, and urine tested, and attempted to contact the suspect multiple times. Moreover, there was no DNA detected from the sexual assault kit. NE#1’s investigation was reviewed and approved by her supervisor, and OPA did not observe any clear deficiencies with NE#1’s interview of CM#1 for Case #2. Ultimately, the charging decision was made by KCPAO, not NE#1. KCPAO could have sought additional investigation if it felt NE#1’s investigation was lacking, but instead declined to prosecute due to proof concerns. There is no evidence to corroborate the allegation that NE#1 engaged in bias-based policing.

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

Recommended Finding: **Not Sustained - Unfounded**

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

**15.180, Primary Investigations, 15.180-POL-5, Officers Shall Document all Primary Investigations on a Report**

The Complainant alleged that NE#1 failed to produce a complete, thorough, and accurate report of her investigation for Case #2.

SPD Policy 15.180-POL-5 requires that officers document all primary investigations on a Report. All reports must be complete, thorough, and accurate. See SPD Policy 15.180-POL-5.

As an initial matter, this policy only applies to primary investigations, not follow-up investigations, such as the one conducted by NE#1. For that reason alone, this allegation should be removed. However, even if this policy were applicable, OPA was unable to identify any deficiencies in NE#1’s investigation of Case #2.

Accordingly, this allegation is removed.

Recommended Finding: **Allegation Removed**