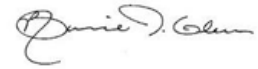

Issued Date: JANUARY 7, 2025

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



Case Number: 2024OPA-0185

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded
- 3. Allegation #3:** 5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer
Finding: Not Sustained - Unfounded

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:

The Complainant alleged Named Employee #1 (NE#1) slapped her, restrained her, and pushed her into a banister while the two were dating in January 2023.

The Complainant reported the incident to OPA in April 2024. The Complainant alleged that NE#1's friend, Community Member #1 (CM#1), called her in May 2024. The Complainant alleged CM#1 threatened her that she would "have a long road ahead of her" if she continued with the complaint. It was alleged NE#1 may have disobeyed orders to maintain the confidentiality of the OPA investigation.

Administrative Note:

On December 23, 2025, the Office of Inspector General certified this investigation as thorough, timely, and objective.

Summary of Investigation:

On April 19, 2024, the Complainant filed a web-based complaint with OPA that alleged NE#1, “slapped me repeatedly in the face,” in January 2023. The complaint referred to the incident occurring on “01/04/2024” and “January 2022.” Ultimately, it was determined the alleged incident date was shortly after midnight on January 5, 2023. Due to the lack of information in the complaint, OPA commenced an intake investigation and interviewed the Complainant.

1. Complainant’s Allegations

OPA interviewed the Complainant twice, once in May 2024, and a second time in August 2024. The Complainant was also interviewed by the Pierce County Sheriff Department in June 2024. Although she provided different levels of detail during the different interviews, the Complainant has consistently alleged the following.

The Complainant stated she met NE#1 around May 2022 through online dating. During their relationship, the NE#1 and the Complainant took multiple trips together out of state. The Complainant expressed frustration with NE#1 being “inconsiderate” towards her, expecting her to pay for certain expenses, and the fact NE#1 and his ex-girlfriend continued to reside in the same house for a time. The Complainant described having a “party relationship” with NE#1 where both consumed alcohol.

The Complainant stated that, on January 4, 2023, NE#1 went to dinner with members of his family but did not invite her. Instead, the Complainant said she and NE#1 arranged for her to wait for him at his house. The Complainant and NE#1 lived more than 40 miles apart. The Complainant said she consumed two or three mixed drinks while waiting for NE#1, estimating she drank about four drinks over the course of the night. The Complainant characterized this as sufficient to make her intoxicated. The Complainant said she became upset that NE#1 was disrespecting her because he returned home hours later than planned.

The Complainant stated she believed NE#1 was drunk because he was always a “big drinker” at dinner. The Complainant recalled giving NE#1 a gift, having more to drink, getting into an argument, and NE#1 “slapping the shit out of” her “over and over again,” before he turned her away from him, restrained her, and threw her against either a banister or table in the front entrance of his house. The Complainant stated she felt pain in her leg and buttocks area from hitting the banister. The Complainant said she went outside and lay in NE#1’s front lawn crying. The Complainant came back inside at NE#1’s suggestions. The Complainant said she wanted to leave, and NE#1 started recording the incident on his phone. The Complainant recalled NE#1 would not give her car keys to her, so she went to sleep and left the next day. The Complainant stated she observed “faint” finger marks on her face the next day, which she took pictures of but has since deleted. The Complainant said NE#1 restrained her by spinning her around then, while the two were back-to-back, holding one of her arms across her chest or neck with his arm, before throwing her down, causing her to hit either a table or banister. The Complainant said, “I feel like I can tell you 100 percent I remember the incident well,” but she was unable to clarify the sequence of events between giving NE#1 a gift and him slapping her, nor could the Complainant recall which side of her face NE#1 slapped, or which hip she injured when NE#1 pushed her.

The Complainant recalled going to work the next day and telling her co-worker about the incident. The Complainant recalled the co-worker responding that the Complainant did not have visible

marks on her face and NE#1 would not change. The Complainant also said she told her best friend, who asked her what she hoped to gain by reporting the incident. The Complainant said she responded that NE#1 should be held accountable. The Complainant recalled telling NE#1 that she was in pain several days later and he responded that she must have hurt herself during their fight by falling into the banister.

The Complainant said she kept dating NE#1 through January 2023, then the two broke off their relationship for about a month before resuming for a couple more months. The Complainant said the two dated sporadically beginning again around August 2023 until breaking it off permanently around October 2023.

The Complainant said she reported the incident in April 2024 because she felt she needed to say something. The Complainant also said she heard that a friend's father, who was a Seattle police officer, said NE#1 was "not a good man." The Complainant explained she did not report the incident before because she was trying to maintain the relationship.

The Complainant stated that, in May 2024, she received a phone call from CM#1. She said CM#1 lives out of state but was on a foundation that supported SPD and SFD. The Complainant said she met CM#1 when traveling out of state with NE#1. The Complainant stated CM#1 told her she was disappointed in the Complainant for bringing the incident up and there would be a "long hard road ahead of you and they're going to find out about your drinking." The Complainant's impression was that CM#1 was trying to scare her. The Complainant said she did not know how CM#1 learned about her complaint, but CM#1 did not say anything about calling at NE#1's request.

2. Pierce County Sheriff Department Investigation

After interviewing the Complainant, OPA referred the case to the Pierce County Sheriff Department (PCSD) on May 20, 2024, for criminal investigation. A PCSD Detective completed a thorough investigation, which he forwarded to the Pierce County Prosecuting Attorney's Office (PCPAO) for review.

The PCSD Detective interviewed the Complainant, which was consistent with the above. He also reached out to NE#1, who declined to provide an interview on the advice of counsel. NE#1 provided the PCSD Detective, through counsel, screenshots of text messages between NE#1 and the Complainant.

The PCSD Detective interviewed the Complainant's best friend. The friend said she was familiar with NE#1 and the Complainant's relationship, which she described as dysfunctional at the end. The friend was not present during the incident, but said the Complainant told her she and NE#1 got into a fight, during which NE#1 hit her and put his hands around her throat. The friend said this occurred while NE#1 and the Complainant were drinking.

The PCSD Detective interviewed CM#1, who said she knew NE#1 and the Complainant. CM#1 said she had the impression the two got along well but noted she did not "know what happens behind closed doors." CM#1 said she was disappointed when she learned the Complainant reported her allegations, speculating that the Complainant may have been motivated by vindictiveness due to NE#1's public announcements of an engagement in early 2024. CM#1 said

she called the Complainant out of shock. CM#1 refused to state who told her about the OPA investigation but denied that it was NE#1. CM#1 said NE#1 refused to discuss the incident with her, citing confidentiality.

The PCSD Detective interviewed the Complainant's co-worker. The co-worker stated she worked with the Complainant for several years and had been to social functions with NE#1 and the Complainant. The co-worker characterized alcohol as being very involved in the relationship between NE#1 and the Complainant. The co-worker recalled the Complainant coming into work late with watery, bloodshot eyes. The co-worker pulled the Complainant aside, and the Complainant broke down, saying, "he beat my ass last night." The co-worker said she asked what happened, and the Complainant said she yelled at NE#1 concerning an ongoing argument. The Complainant told the co-worker either her back or "ass" hurt but, when the Complainant lifted her shirt to show the co-worker, the co-worker did not observe any marks.

The PCSD Detective reviewed a screenshot of a text message chain between NE#1 and the Complainant. The screenshot was provided by NE#1's attorney, who affirmed that no messages in the chain were deleted.



NE#1's messages in green on right.

Complainant's messages in gray on left.

3. Pierce County Prosecuting Attorney's Office Declination

The PCSD Detective forwarded his investigation to a PCPAO Deputy Prosecuting Attorney (DPA) for review. The DPA who reviewed the file was a team leader specializing in domestic violence. The DPA concluded there was not "sufficient admissible evidence" to charge NE#1 and recommended declining the case.

The DPA found that the PCSD Detective conducted a thorough investigation, summarizing the information presented above. The DPA conducted the following analysis:

The victim's statements are the only admissible evidence in this case. The statements the victim made to at least two additional people around the time of the incident are hearsay and not admissible as there is no allowable exception. Further, there is no physical evidence to corroborate or support charges, largely due to the delay in disclosure. It is not unusual to proceed with only victim's statements; however, given what the victim told the colleague, I have concerns that those statements would be used against her and show her bias.

If charged, this case would rest wholly on the credibility of the victim. Her statements may well be taken out of context, but the concern about her impeachability is a real one. Specifically, I am concerned about the victim's statement about the suspect losing his job and not deserving the kind of money that he is making, as well as the timing of the disclosure of the allegations being close in time to when the suspect got engaged and appears happily ensconced in a new relationship. It does not appear to me that those were related to the actual physical violence, but I anticipate that a good defense attorney would connect those things and ultimately blame or effectively undermine the victim's credibility.

The DPA forwarded her review to the Pierce County Prosecuting Attorney, who herself served for ten years in the Special Assault Unit as well as the Sexually Violent Predators Unit in the State Attorney General's Office. See About Mary Robnett, *available at* <https://www.piercecountywa.gov/3560/About-Mary-Robnett>. The Prosecuting Attorney wrote that she "completely agree[d]" with the DPA's assessment that the case should not be charged. She wrote that the case "rests primarily on victim credibility" and that the Complainant's "delay in reporting of over 15 months is problematic if not inexplicable." The Prosecuting Attorney also noted that the Complainant's explanation for delaying reporting also tended to undermine the Complainant's credibility as they showed an intent to use "the criminal justice system vindictively." The Prosecuting Attorney also noted that the Complainant averred to remember the incident "100%" but then did not remember the chain of events or which side of her face she alleged was slapped. The Prosecuting Attorney also cited the Complainant's admission that NE#1's video of the aftermath would show her, "intoxicated, screaming and angry."

4. Video Evidence

OPA reviewed two videos that NE#1 recorded on his cell phone. Both videos recorded portions of the interactions between NE#1 and the Complainant. In his OPA interview, NE#1 stated he recorded the videos to show the Complainant proof of how she behaved when she was intoxicated. NE#1 said his purpose was to show the Complainant the videos after she was sober.

Video #1 was about 59 seconds long and was recorded on January 4, 2023, at about 11:58 pm. Much of Video #1 only recorded a close-up image of NE#1's side. The audio recorded an argument between NE#1 and the Complainant. The Complainant asked for her "keys," and NE#1 responded, "You're not driving anywhere." The Complainant replied by screaming, "Bullshit, I'm not driving anywhere! I'm going fucking home!" The Complainant denied being drunk. NE#1 said "You're not drunk? You just walked into a wall." The Complainant denied walking into a wall. Video #1 did not depict the Complainant walking to a wall and—based on the visual angle recorded—would not have captured this. A "thud" sound is observed shortly before NE#1 said the Complainant walked into a wall, but the sound is inconclusive. NE#1 turned the camera to show the Complainant. She appeared in jeans, a jacket, and possibly some kind of socks. The Complainant screamed insults and invectives at NE#1. During Video #1, the Complainant sounded intoxicated, angry, and was screaming and shrieking. The Complainant did not mention any slapping, restraint, or assault.

Video #2 was about 1 minute long and was recorded on January 5, 2023, at about 12:06 am. The video generally depicted the Complainant as she tied her hair back, screamed at NE#1, and slapped what appeared to be a sweatshirt or jacket onto the ground. The Complainant screamed and shrieked insults and invectives at NE#1, demanded her keys, and accused NE#1 of cheating on her. NE#1 responded that the Complainant was drunk. NE#1 denied cheating. At one point, the Complainant aggressively advances on NE#1 with her right hand balled in a fist at her side. NE#1 appeared to back away. During Video #2, the Complainant sounded intoxicated, angry, and was screaming and shrieking. The Complainant did not mention any slapping, restraint, or assault.

5. OPA Interviews

In addition to the Complainant, whose statements are summarized above, OPA interviewed CM#1, Witness Employee #1 (WE#1), and NE#1.

a. Community Member #1

CM#1's OPA interview was consistent with the information she provided to the PCSD Detective. OPA asked CM#1 about the person who told her about the Complainant's allegations against NE#1. CM#1 stated she did not learn about the allegations from an SPD employee but declined to identify the person. CM#1 specifically denied learning about the complaint from either NE#1 or WE#1.

b. Witness Employee #1

OPA interviewed WE#1, who was formerly the Chief of Police, because he received an OPA notice by email on April 25, 2024, concerning the Complainant's allegations.

WE#1 recalled having a brief conversation with NE#1 after receiving the OPA notice. WE#1 denied speaking with anyone else about the complaint or providing the notice to anyone else. WE#1 admitted his executive assistants, chief of staff, and executive protection detail had access to his email during this time.

WE#1 recalled later discussing the complaint with a Deputy Mayor to explain his rationale for not immediately placing NE#1 on administrative leave, noting that the Complainant's allegations were not immediately referred for criminal investigation. WE#1 stated that once OPA referred the allegations for criminal investigation, he emailed several members of his executive staff telling them they would need to put NE#1 on administrative leave due to the allegations. WE#1 stated he informed NE#1 on this decision the next day. NE#1 stated that several members of his executive staff had personal relationships with CM#1 or CM#1's spouse.

c. Named Employee #1

OPA interviewed NE#1 with his attorney present. NE#1 recounted his relationship with the Complainant, noting they met through a dating application and saw each other about once a week due to work schedules, living locations, and challenges presented by NE#1's ex-girlfriend. NE#1 stated he dated the Complainant for about a year.

NE#1 said on the night of the incident, he had dinner plans with family members. The Complainant offered to come see him and the two planned to meet at his house. NE#1 said her returned home around 9:00 pm. NE#1 observed the Complainant had been drinking his gin. NE#1 said the Complainant gave him a gift and the two watched television.

NE#1 said the Complainant then began making angry comments to his that were getting escalated. He recalled thinking "well, this is, this is an odd turn of events." NE#1 recalled the Complainant getting more alcohol to drink, at which point he thought, "okay, I know where this is going." NE#1 said that, in the past, the Complainant would "get her drink on" and then "drinks, and drinks, and, drinks until she is blacked out, out of her mind." NE#1 said he and the Complainant had "multiple discussions about this," but the Complainants reaction would be "CRS," which is short for "can't remember shit." NE#1 said that, when he would tell the Complainant how she acted while drunk, she did not believe him.

NE#1 said that, as the Complainant became more escalated, he told her "alright, party's over," and suggested the two go to sleep, but the Complainant continued "ranting and raving and screaming." When the Complainant wanted to drive home, NE#1 took her keys due to her apparent intoxication. NE#1 described the Complainant as "bumping into the walls drunk." NE#1 said the Complainant was "outraged" by this and would "occasionally lunge" at him, and he would defensively push her hands away. NE#1 described this in the following way:

I never slapped her. I never assaulted her in any way, shape or form. The only thing I did is try to keep her away from me and just push her hands off of me as she was reaching for keys. That's, I never—and all of that was in a retreating style, and none of it was aggressive. None of it was moving towards her. None of it was assaultive in any way, shape or form. I never slapped her. It's just not true. It's just a completely false allegation

NE#1 said the Complainant was jumping up and down, pounding her fists in the air, walking around quickly, just missing corners, and bouncing off walls. NE#1 said the Complainant was, "out of control." NE#1 said the Complainant then ran out the front door of his house before slipping on some ornamental rocks near his lawn and falling onto grass. NE#1 stated he went to check on the Complainant, and she continued to scream until coming back inside and falling asleep. NE#1

described the Complainant as, “the most intoxicated I had ever seen her, and, and I had seen her very intoxicated.”

NE#1 denied slapping, assaulting, or restraining the Complainant. NE#1 also denied any altercation where the Complainant fell into either the banister or entryway table. NE#1 stated:

I believe that either [the Complainant] is entirely making this story up, with the express intent to cost me my job, or I believe that [the Complainant] woke up the next day and was trying to account for why her butt hurt, and made up a story, or in her own mind, maybe she even believes it, but I, I think she crashed hard. I mean, I watched it, and it was a full on, full speed crash, and, and I thought she was hurt that's, in fact, that's why I ran out there initially and got down on the grass next to her and said, “Are you okay? Are you okay?” And then she continued yelling and screaming. So, I figured she was all right.

NE#1 did not recall the Complainant making any allegations to him after the incident, but noted the Complainant was very apologetic about the incident the next day. NE#1 speculated that the Complainant may have been motivated to raise her complaint after seeing photographs announcing his later engagement on social media. NE#1 also noted there was an incident in the spring of 2024 for which he appeared prominently on television.

NE#1 denied disclosing the details of the investigation to anyone other than WE#1. NE#1 stated he briefly discussed the allegations with WE#1, telling him they were baseless. NE#1 stated he assumed WE#1 would discuss the allegations with other members of the executive team. NE#1 stated that his executive assistant also had access to his work email where the OPA notice of complaint was sent. NE#1 acknowledged that he understood the order contained in the OPA notice to keep the allegations confidential.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 assaulted her by slapping, restraining, and pushing her.

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

OPA finds that, more likely than not, this allegation is unfounded. Even evaluating this allegation at the lower preponderance of the evidence standard, OPA’s reasoning for not sustaining this allegation mirrors that of the PCPAO. This allegation largely relies on the credibility of the Complainant, which can reasonably be questioned because of— among other things--her apparent motive to discredit NE#1, obvious intoxication on the night of the incident, lengthy delay in reporting, and gaps in her narrative such as not remembering the course of events, inability to remember the side of her face NE#1 allegedly slapped, and variously reporting NE#1 threw her

into either a table or banister. The Complainant's co-worker also denied seeing any injury on the Complainant the next day.

In addition to the evidence available to the PCPAO, OPA compelled NE#1 to produce his cell phone video of the incident aftermath. This video significantly corroborated NE#1's version of events even if it did not directly refute the Complainant's allegations. Notably, the Complainant made no mention of NE#1 allegedly assaulting her. This is similar to the text message chain between the two, in which the Complainant states she was drinking at NE#1's house on the night of the incident, then apologizes the following day, asks NE#1 to come stay with her, and discusses her plans to stop drinking and get her "shit together." Nor did the videos appear to show the Complainant suffering from any injury. The cell phone videos also show the Complainant visibly intoxicated, screaming, and on one occasion rapidly approaching NE#1 with a fist balled at her side—NE#1 then backed away. Comparatively, NE#1 sounded calm—though at points perhaps slightly slurring his words—and principally concerned that the Complainant not drive.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

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

The Complainant alleged NE#1's conduct towards her was unprofessional, even if it did not rise to a violation of law.

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.*

For the reasons set forth above at Allegation #1, OPA finds that—more likely than not—NE#1 did not assault the Complainant based on the evidence. Also, NE#1's remaining actions, such as preventing the Complainant from driving while intoxicated, were not unprofessional.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #3

5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer

The Complainant alleged that NE#1 failed to obey the order in his OPA notice of complaint to maintain the confidentiality of the OPA investigation.

SPD policy requires that Department employees obey any lawful order issued by a superior officer. The failure to do so constitutes insubordination. See SPD Policy 5.001-POL-15.

The confidentiality order in OPA's notices serves several important functions, perhaps the most important of which is to protect OPA complainants from any interference or influence from proceeding with their complaint. While CM#1's phone call to the Complainant raises the specter of attempting to pressure or "warn off" the Complainant, the evidence does not suggest NE#1 violated this order. For this reason, OPA recommends this allegation be Not Sustained – Unfounded.

However, OPA notes that by interviewing NE#1, CM#1, WE#1, and the Complainant, it attempted to determine the source of CM#1's information. Ultimately, CM#1 declined to name her source, but denied it came from any member of SPD, including NE#1 or WE#1. Also, by virtue of their respective email permissions, the OPA notice could have been viewed by NE#1, WE#1, their respective executive assistants, WE#1's executive protection team, and WE#1's chief of staff. A short time later, WE#1 informed several members of his executive team after WE#1 was informed the case would be referred for criminal investigation. Three days after that, CM#1 called the Complainant, at which point, so many individuals knew about the case—including at least one member of the Mayor's Office—that tracing CM#1's source of information would not be feasible without her cooperation, which was not forthcoming on this issue. For these reasons, OPA declined to expand the scope of its inquiry into this.

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

Recommended Finding: **Not Sustained – Unfounded**