



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 14, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0222

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded

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:

Community Member #1 (CM#1), a Community Police Commission employee, alleged Named Employee #1 (NE#1), an SPD assistant chief, sexually assaulted her while she was intoxicated and engaged in sexual activities with other women while he was on duty.

ADMINISTRATIVE NOTE:

On January 14, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On May 8, 2024, OPA received documents and information submitted on CM#1's behalf.¹ Therein, CM#1 wrote she was intoxicated and vomited during a sexual encounter with NE#1, suggesting the possibility of sexual assault. She also wrote that NE#1 boasted about his sexual experiences with numerous other women, possibly while he was on duty.

OPA investigated the complaint by reviewing a calendar entry, photographs, restaurant receipts, text messages, King County Sheriff's Office (KCSO) summary report, video footage, and King 5 news clip. OPA also interviewed two restaurant employees, the individual who submitted the documents and information to OPA, and NE#1.

¹ OPA interviewed the individual who provided this information. He confirmed he did not witness any interactions between NE#1 and CM#1.



B. Calendar Entry

CM#1 wrote the following calendar entry on her phone, dated March 3, 2024:

[NE#1] drove me back to my place. We went to [Restaurant #1], we had some drinks and he drove me to [Restaurant #2] where we kept having more drinks. Left my car outside of [Restaurant #1] overnight (where he was also parked in his [vehicle] with tinted windows that he likes to speed in) because I was too intoxicated to drive. He brought more of his liquor to my place. I drank more but he didn't. I became even more intoxicated, we had sex and I threw up.^[2] He took my fob, removed his personal car from the secured parking lot of my building. Side note: he also has a truck and a motorcycle. He came back, put a blanket over my naked body, left me with vomit to clean up, turned on the heat then I struggled up to lock the door, naked, when he told me he was leaving. I woke up with vomit and cleaned for weeks. The whole night he told me he's single.

C. Restaurant Receipts

A receipt from Restaurant #1 showed service billed to NE#1's credit card from 8:18 PM to 9:06 PM on March 3, 2024. The order included two food items, one mango margarita, and one Tito's vodka.

One receipt from Restaurant #2 showed service billed to NE#1's credit card from 9:30 PM to 10:58 PM on March 3, 2024. This order included three Old Fashioned Buffalo Trace cocktails and three vodka-based "cosmo" drinks.

A second receipt from Restaurant #2—dated five dates later on March 8, 2024—showed service billed to NE#1's credit card from 9:36 PM to 11:30 PM. This order included two rosé wines and two Old Fashioned well whiskey cocktails.

D. Text Messages

NE#1 and CM#1 submitted text records to OPA. NE#1's text records began on March 7, 2024—the earliest date NE#1 claimed he could retrieve those messages. In contrast, CM#1's text records began on March 18, 2024. OPA compared NE#1's text records with those of CM#1, starting March 18, 2024. During this review, OPA determined NE#1's records were more complete. OPA identified at least seven segments in which CM#1's records omitted both texts and images. The text messages continued through May 3, 2024, when NE#1 told CM#1 to stop texting him.

The text records showed, among other things, NE#1 and CM#1 discussing the nature of their relationship. During the exchange, CM#1 made multiple statement expressing a desire to have a more involved relationship with NE#1, such as writing him "Any man would go far with me by his side and I chose you 🥰." CM#1 also referred to the two as a "couple." On March 8, 2024, the two arranged to meet for happy hour. On March 10, 2024, CM#1 proposed the two get brunch and stroll around a lake, to which NE#1 agreed. Several hours later, CM#1 asked, "When you think about

² CM#1 submitted a photograph to OPA showing an empty bourbon bottle placed on a dark-stained carpet, where CM#1 claimed was the location where she had vomited.



me what percentage of the time are you thinking about 🍆 me? 98? You talk about it every time I see you, so I'm just wondering."³ NE#1 did not respond.

During the text exchange, CM#1 texted NE#1 much more frequently than he texted her. CM#1 expressed disappointment at how NE#1 treated her, stating, "I wouldn't have slept with you if you told me you had a partner ❤️ 🤔 You are a dog." NE#1 responded, that CM#1 was driving the sexual nature of their conversations, writing, in part, "You what? You keep talking about sex. I am not. As a matter of fact, I wouldn't even say what we did was sex. So chillout." CM#1 replied, that she thought there was a miscommunication, writing, in part, "And I know you're trying to cover your ass. You used a condom and were inside me so I think you need a memory refresh for the record. We were both naked so relax. Let's get off topic for a moment. I'm not happy about this situation so you gotta find a solution. Calm down." NE#1 replied, "Was in inside you...like barely..."

During this time, CM#1 also pressed NE#1 to find her a colleague to set her up with. NE#1 replied that he was not searching and recommended CM#1 to consider online dating. CM#1 declined, expressing concerns about its safety.

On April 8, 2024, CM#1 sent NE#1 multiple texts of a sexually suggestive nature, such as the comment, ""Does that look like my ass or is mine nicer? 🍆 Do you know what that is? How often do you think about it?" Around this time, CM#1 consistently asked to spend time with NE#1. NE#1 occasionally agreed to meet for coffee. NE#1 did not consistently reply to CM#1's texts.

On May 3, 2024, CM#1 accused NE#1 of mistreating her, describing him as unpredictable, unreliable, and inconsistent. CM#1 texted, "You only play with me when it's convenient for you." CM#1 accused NE#1 of manipulating her emotions, suggesting he gave her false hope. NE#1 replied, "You are not a priority for me. That is not personal. I am just way too busy. I think you think I have more free time and I just don't. So sorry." CM#1 challenged NE#1's explanations, noting that he had called her multiple times in the evenings. CM#1 texted, "We talked all night sitting together" and accused NE#1 of dishonesty "since day one," particularly regarding his relationship status. CM#1 noted that she previously indicated her desire for their relationship to "go public." NE#1 described CM#1 as "toxic" and requested, "Stop texting me please." Following this exchange, there were no additional texts between them.

E. King County Sheriff's Office (KCSO) Summary Report

A KCSO detective (Detective #1) prepared a summary report outlining the following:

- On May 30, 2024, Detective #1 reviewed OPA's records and concluded, "The evidence given to me does not suggest a crime. It is just proof that [NE#1] and [CM#1] had some sort of relationship that slowly dwindled. [NE#1] attempted to end the relationship but [CM#1] was angry. There is no statement from [CM#1] alleging a crime. Just text dissatisfaction with the relationship and an anonymous tip."

At 1:30 PM, Detective #1 contacted CM#1, who was "confused" and "perplexed" about the reason for the call. Detective #1 told her about the OPA complaint and asked whether she wanted to participate in this case as a victim. CM#1 was "on the fence."

³ The eggplant emoji is commonly used to represent a penis.



- On June 4, 2024, CM#1 and Detective #1 exchanged text messages. CM#1 expressed fear of retribution and retaliation. Detective #1 indicated that he could not assure her safety but offered alternative resources and suggested a meeting to discuss her allegations further.
- On June 11, 2024, an SPD assistant chief gave Detective #1 a thumb drive containing Federal Bureau of Investigation (FBI) files, including correspondence between the FBI and CM#1. However, the FBI and SPD declined to investigate CM#1's multiple allegations based on credibility concerns.⁴ Detective #1 noted one pertinent statement from CM#1, reported to the FBI on May 28, 2024, as follows:

Date rape. I had close to 20 drinks that he kept encouraging me to have. We drank at 3 different places that he drove me to. Went back to my place nearby, drank more, we made out, I passed out, he raped me until I threw up all over myself. He did everything. I did nothing to him sexually. I was a virgin. He left me there naked on the floor passed out in my own vomit and the next day, he talked me into a so-called relationship to manipulate me out of getting him in trouble. It was bread crumbing and manipulation; the whole thing was 90% texts and phone calls and denials. I work for the City of Seattle. I trusted the virtue of his station. He has also bragged about doing this to other women including at the SPD and women in the general public. Abuse of power, sex crimes, misuse of public funds, prostitution, possibly child porn and sexual relations with underage girls as horny as he is with young girls as a 50-something year old man, threats and intimidation, SPD and Mayor Harrell cover up.

Detective #1 cautioned, "This has not [been] verified by [CM#1] yet."

CM#1 and Detective #1 exchanged text messages. CM#1 requested an interview with a female detective to report "gender based violence." CM#1 alleged that Detective #1 communicated with SPD's chief of police, citing the chief's decision to reinstate NE#1 following a conversation between Detective #1 and CM#1. Detective #1 refuted CM#1's claim and tried to arrange an interview. CM#1 said she would get back to him.

- On June 12, 2024, Detective #1 texted CM#1 that Detective #2, a female detective, would arrange an interview with her.
- On June 14 and 15, 2024, CM#1 texted Detective #1, asking how KCSO could be fair and impartial following NE#1's reinstatement, which she attributed to Detective #1. CM#1 expressed distrust in KCSO, believing that officers were protecting each other. CM#1 suspected KCSO of aiding NE#1. Detective #1 did not respond.
- On June 17, 2024, CM#1 confirmed that Detective #2 had contacted her. CM#1 asked whether Detective #1 had any response to her June 14 and 15 texts. Detective #1 replied, "No."

⁴ Detective #1 noted that the FBI files included "conspiracy theories seemingly plucked out of thin air" that CM#1 reported to the FBI from May 2023 to February 2024. Detective #1 elaborated, "None of it seems to have any ties to the real world."



- On June 20, 2024, Detective #1 concluded the investigation, noting, “[CM#1] has been given many chances to make a statement and has chosen not to do so. Case can easily be reopened if she chooses to participate.”⁵

F. King 5 Interview

On June 21, 2024, King 5 aired CM#1’s allegations. In the segment, King 5 interviewed CM#1, who was obscured. The King 5 reporter stated in a voiceover that CM#1 alleged NE#1 “sexually assaulted her” after meeting NE#1 at a restaurant. CM#1 expressed, “It’s been horrible. I mean, how this has affected my life.” CM#1 continued, “The stress has been debilitating. You know, it’s affected my performance, my productivity, my sleep, my day-to-day life. The next day, the next few days, I really felt ashamed of what had happened to me.” When King 5 asked about NE#1’s reinstatement, CM#1 replied, “I was outraged. This is ridiculous. It tells me that I don’t matter. These people that, the public, these individuals, these women do not matter.”

G. OPA Interviews

Restaurant #1 Manager and Restaurant #2 Owner

On July 25, 2024, OPA contacted a manager at Restaurant #1 and the owner of Restaurant #2. Both individuals indicated that they did not possess any video recordings showing NE#1 and CM#1 at their establishments.

Community Member #1

OPA made multiple attempts to arrange an interview with CM#1 through her attorney. On August 23, 2024, CM#1’s attorney indicated that CM#1 intended to contact KCSO and sought to toll OPA’s investigation timeline. However, on August 27, 2024, Detective #1 told OPA that neither CM#1 nor her attorney had contacted him but agreed to notify OPA if either of them contacted him. On September 6, 2024, OPA contacted CM#1’s attorney, who told OPA, “[CM#1] will reach out to KCSO on her own timeline.” On September 23, 2024, OPA advised CM#1’s attorney that OPA’s investigation would continue, regardless of CM#1’s involvement. On September 24, 2024, Detective #1 told OPA that neither CM#1 nor her attorney had contacted him. On December 13, 2024, CM#1’s attorney did not respond to OPA’s interview request.

Named Employee #1

On November 19, 2024, OPA interviewed NE#1. NE#1 recounted his initial meeting with CM#1 at an advisory meeting held in February 2024. NE#1 said CM#1 approached him following the meeting to request a coffee meeting, to which he agreed. NE#1 said CM#1 asked him to connect her with single white officers in their thirties who did not have children, and he said he would let her know about suitable candidates. NE#1 said CM#1 proposed a happy hour gathering at Restaurant #1 on March 3, 2024, and he accepted. NE#1 said they arrived separately close to Restaurant #1’s closing time. NE#1 recalled consuming Tito’s vodka while CM#1 had a mango margarita. NE#1 described CM#1’s demeanor as relaxed. NE#1 said CM#1 suggested they go to Restaurant #2 because of its proximity to her apartment, so he drove her there. NE#1 believed neither of them was intoxicated when they left Restaurant #1.

NE#1 said he consumed bourbon at Restaurant #2, while CM#1 consumed the vodka-based “cosmo” drinks since she disliked bourbon. NE#1 described CM#1 as relaxed and flirtatious. NE#1 said CM#1 leaned over the table and kissed him, which he reciprocated. NE#1 said he teased her about not being his type. NE#1 was unable to recall the reason

⁵ Detective #2’s supplement report documented text exchanges between CM#1 and herself on June 13, 17, and 18, 2024. Those exchanges showed Detective #2’s attempt at arranging an interview with CM#1, but CM#1 did not respond with a proposed date.



for leaving Restaurant #2 but recalled CM#1 inviting him to her apartment. NE#1 believed he was not intoxicated at that moment, emphasizing that his size allowed him to tolerate three alcoholic beverages. NE#1 also believed CM#1 was not intoxicated because she did not exhibit signs of slurred speech, stumbling, or needing support.

NE#1 said he drove CM#1 and himself to her apartment. NE#1 said he parked in a secured lot accessible to CM#1 via a key fob.⁶ NE#1 said he brought along a backpack containing a nearly empty bourbon bottle and cigars to CM#1's apartment. NE#1 said CM#1 did not exhibit signs of impaired coordination as they made their way to her apartment. NE#1 said he consumed the remaining amount of bourbon inside her apartment and teased CM#1 for taking a sip, given her prior disapproval. NE#1 emphasized that CM#1 did not exhibit signs of impairment. NE#1 said they began kissing within five minutes of arriving at CM#1's apartment. NE#1 said CM#1 undressed herself and then undressed him. NE#1 said he used a condom and engaged in penetrative intercourse for about 30 to 40 minutes on a daybed sofa. NE#1 maintained that CM#1 was awake, alert, and conscious, evidenced by her undressing, active participation, and physical engagement with him during sex. NE#1 maintained that CM#1 never lost consciousness or motor function. NE#1 distinctly remembered CM#1 expressing, "That feels good" during sex. NE#1 maintained that CM#1's consent was evident through her behavior. NE#1 denied sexually assaulting CM#1, claiming that they had consensual sex and that CM#1 was not incapacitated. NE#1 said that after sex, they rested for about an hour and then fell asleep.

NE#1 recounted waking to find CM#1 vomiting but denied smelling alcohol in her vomit or understanding the cause of her vomiting. NE#1 did not believe that CM#1 consumed any additional alcohol after leaving Restaurant #2 beyond the small sip of bourbon she had in the apartment earlier. NE#1 said he assisted CM#1 in cleaning up and then decided to leave, with CM#1 directing him on how to exit the secured lot using her fob. NE#1 said he returned the fob to CM#1 after relocating his vehicle.

NE#1 said they exchanged friendly text messages the following day. NE#1 said CM#1 did not raise concerns about their sexual encounter but expressed an interest in dating him. NE#1 said they had drinks at Restaurant #2 on March 8, 2024. NE#1 said he decided against dating CM#1 after she expressed opinions about the police. Although NE#1 confirmed that they continued to communicate and occasionally meet, he denied having another sexual encounter with her. NE#1 said CM#1 consistently pushed for a romantic relationship with him, but he only wanted to maintain a friendship with her. NE#1 said CM#1 referred to him as a teddy bear and repeatedly sent pictures of teddy bears—actions inconsistent with someone claiming to have been sexually assaulted. NE#1 recounted an argument in May 2024, leading him to block her. NE#1 noted that CM#1 filed a complaint after he blocked her. NE#1 denied engaging in sexual activities with other women while on duty.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

CM#1 alleged that NE#1 engaged in sexual activities with other women while he was on duty.

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.*

⁶ CM#1 submitted to OPA video footage purporting to show NE#1 parking his vehicle in the secured lot.



OPA uncovered no evidence supporting this allegation. Text messages between CM#1 and NE#1 did not suggest any sexual interactions with other women during his work hours. NE#1 denied this allegation, asserting that he never discussed such matters with CM#1. Furthermore, CM#1 and her attorney did not respond to OPA's interview request to clarify her allegation.

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-2. Employees Must Adhere to Laws, City Policy, and Department Policy

CM#1 alleged that NE#1 sexually assaulted her while she was intoxicated.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2.

A person is guilty of rape in the second degree when the person engages in sexual intercourse with a victim who is incapable of consent by reason of being physically helpless or mentally incapacitated. See RCW 9A.44.050(1)(b). The person may defend against such prosecution if the person proves, by a preponderance of the evidence, that, at the time of the offense, the person reasonably believed the victim was not physically helpless or mentally incapacitated. See RCW 9A.44.030(1). In cases involving the victim's voluntary intoxication, prosecution may proceed when the extent of intoxication is extreme (unconsciousness or nearly so) and the condition would be readily apparent to a reasonable person. King County Prosecuting Attorney's Office (KCPAO) Filing and Disposition Standards (revised July 2024). Factors to be considered when assessing the victim's ability to consent include the victim's outward manifestations, ability to engage in conversation, physical mobility, and ability to distinguish or make decisions. *Id.*

A person is guilty of rape in the third degree when the person engages in sexual intercourse with a victim who did not consent to sexual intercourse with the person. See RCW 9A.44.060(1)(a). "Consent" means that, at the time of sexual intercourse or sexual contact, words or conduct indicate freely given agreement to have sexual intercourse or sexual contact. See RCW 9A.44.010(2). Factors that may be considered when assessing whether words or conduct indicated freely given agreement to having sexual intercourse include any outward manifestations that, when viewed in the surrounding circumstances, would demonstrate to a reasonable person affirmative and freely given authorization to have sexual intercourse. KCPAO Filing and Disposition Standards (revised July 2024).

Here, the evidence presented did not credibly support CM#1's sexual assault allegations against NE#1, even when evaluated under the preponderance standard governing OPA's administrative investigations. First, there was insufficient evidence indicating that CM#1 was either physically helpless or so intoxicated that she was nearly unconscious. NE#1 claimed that CM#1 did not exhibit signs of impaired coordination or slurred speech; rather, he claimed that she was awake, alert, and conscious, and there was no indication that CM#1 lost consciousness or motor control. If such claims were accurate, they contradicted the notion that CM#1 was physically helpless or extremely intoxicated. Furthermore, no evidence was presented to challenge NE#1's statements, particularly as CM#1 did not offer her account of the sexual encounter to Detective #1, Detective #2, or OPA, although she willingly participated in an interview on King 5. There was a further discrepancy in that CM#1 told King 5 that the stress following the sexual encounter was "debilitating," impacting her performance, sleep, and daily activities. Notably, the King 5 report did not



mention that she met NE#1 again five days later at Restaurant #2, consistently reached out to him for meetings between March 7 through May 1, and occasionally met up with him.⁷

Second, the weight of the evidence supported NE#1's claim that CM#1 consented to a sexual encounter. NE#1 claimed that CM#1 initiated a kiss within five minutes of his arrival at her apartment, proceeded to undress both herself and him, actively participated during intercourse, and expressed enjoyment by stating, "That feels good" during the act. These words and conduct indicated freely given agreement to engage in sexual intercourse. As noted above, there was no evidence presented that challenged NE#1's account other than vague written statements by CM#1 that "He did everything. I did nothing to him sexually." Moreover, circumstantial evidence both before and following their sexual encounter further reinforced the notion of consent. CM#1 demonstrated her interest in NE#1 by reaching out to him after the February 2024 advisory meeting, displaying flirtatious behavior at Restaurant #2, kissing him, and inviting him to her apartment. After their encounter, CM#1 consistently sent sexually suggestive texts, including eggplant and peach emojis, as well as texts expressing a desire for a romantic relationship with NE#1. Two specific texts ("I wouldn't have slept with you if you told me you had a partner ❤️😭" and "You used a condom and were inside me so I think you need a memory refresh for the record. We were both naked so relax") implied consent and indicated that CM#1 had a clear recollection of their sexual encounter, suggesting she was not excessively intoxicated to the extent of losing consciousness.

Overall, OPA uncovered insufficient evidence to prove second-degree or third-degree rape, or sexual assault based on a preponderance of the evidence standard. OPA finds the evidence indicated a causal relationship between NE#1 and CM#1 that gradually diminished over time. CM#1 seemed distressed when NE#1 chose to terminate the relationship.

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

Recommended Finding: **Not Sustained – Unfounded**

⁷ Even though the King 5 report referenced reviewing "dozens" of text messages between NE#1 and CM#1, these were—presumably—provided to King 5 by CM#1 and the report did not indicate the exact content of the messages it reviewed.