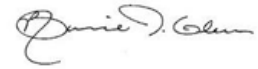

Issued Date: DECEMBER 15, 2024

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



Case Number: 2024OPA-0279

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 5.002 – Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL-5. Supervisors Will Investigate or Refer Allegations of Policy Violations Depending on the Severity of the Violation

Finding: Not Sustained - Unfounded

- 2. Allegation #2:** 5.002 – Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL-3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint or Conducting or Cooperating with an Investigation of an Allegation of a Policy Violation

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:

SPD's deputy chief (DC#1) reportedly made an insensitive transgender comment in a February 14, 2024, meeting with several SPD employees, including Named Employee #1 (NE#1). The Complainant alleged that NE#1 failed to report the comment and tried to dissuade those SPD employees from reporting it.

Administrative Note:

On March 8, 2024, SPD's equal employment opportunity (EEO) office declined to investigate DC#1's transgender comment. On July 30, 2024, the City of Seattle's Human Resources Investigations Unit also declined to investigate DC#1's comment.

On December 12, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On June 29, 2024, an anonymous Complainant submitted an OPA complaint. It stated that DC#1 insensitively commented about “teens being able to make their own personal decision to get a sex change at the age of 13.” The Complainant alleged that NE#1 told SPD employees that “this need[ed] to go away,” indicating his attempt at dissuading them from reporting DC#1’s comment.

OPA investigated the complaint by reviewing email correspondence and interviewing SPD employees, including NE#1.

On November 12, 2024, OPA interviewed Witness Employee #1 (WE#1), an SPD detective. She recalled DC#1 saying that 13-year-olds could change their sex but could not speak with officers. She said no one visibly reacted to that comment, and then the meeting continued. She did not recall NE#1 saying that DC#1’s comment “needed to go away.” She said she told SPD’s general counsel (GC#1) and an assistant chief (AC#1) that DC#1’s comment made her feel uncomfortable. AC#1 led SPD’s Professional Standards Bureau at the time of the incident but later retired from the department. She said no one directly discouraged her from filing a complaint but felt discouraged because she was seeking a promotion and was the lowest ranked employee in the room.

On November 15, 2024, OPA interviewed an SPD captain. He vaguely recalled a meeting concerning juveniles interacting with SPD. He neither recalled DC#1’s transgender comment nor NE#1’s follow-up conversations about it.

On November 20, 2024, OPA interviewed NE#1. He said WE#1 did not appear to take DC#1’s comment well, describing her as “stone faced.” He said he spoke with AC#1 after the meeting, telling her that DC#1’s comment needed to be addressed. He recalled a conversation he had with AC#1 and GC#1. He said they discussed referring the matter to the EEO office or OPA but believed the EEO office was the more appropriate entity because they thought NE#1’s comment was insensitive, not a policy violation. He said he tried to avoid “multiple referrals going in different directions.” He said AC#1 spoke with WE#1, who agreed that DC#1’s comment needed to be addressed. He said he witnessed DC#1 self-reporting his comment to an EEO investigator, dispelling the need for an EEO referral. He said he would have referred DC#1’s comment to the EEO office if DC#1 did not self-report it. He denied suggesting DC#1’s comment needed to “go away.”

On November 21, 2024, OPA interviewed AC#1. She recalled DC#1’s comment generated uneasy laughter, and then the meeting continued. She said NE#1 spoke with her and GC#1 after that meeting, asking how they should handle DC#1’s comment. AC#1 said they decided to refer it to the EEO office. She said she consulted with WE#1 about this decision, and WE#1 did not object. AC#1 did not believe NE#1 tried to make DC#1’s comment “go away.” Instead, she believed NE#1 wanted to “do the right thing” by handling the situation based on what people wanted.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

5.002 – Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL-5. Supervisors Will Investigate or Refer Allegations of Policy Violations Depending on the Severity of the Violation

The Complainant alleged that NE#1 failed to refer DC#1's transgender comment to the EEO office or OPA.

Supervisors will investigate or refer allegations of policy violations depending on the severity of the violation. SPD Policy 5.002-POL-5. Supervisors may investigate minor policy violations. SPD Policy 5.002-POL-5(c). However, supervisors must refer allegations of serious policy violations to OPA for investigation. SPD Policy 5.002-POL-5(a). Serious policy violations include, among other things, unnecessary, unreasonable, or disproportionate use of force. *See id.*

This allegation is unfounded. A preponderance of the evidence showed NE#1's attempts at referring DC#1's transgender comment to the appropriate investigative entity. After consulting with AC#1 and GC#1, NE#1 believed the matter should be referred to SPD's EEO office, dispelling the need for an OPA referral. Even if NE#1 were mistaken, the EEO office would have referred the matter to OPA if it fell under OPA's purview. Ultimately, a referral became unnecessary after NE#1 witnessed DC#1 self-reporting his comment to the EEO investigator. Email correspondence from that investigator corroborated DC#1's self-reporting.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

5.002 – Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL-3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint or Conducting or Cooperating with an Investigation of an Allegation of a Policy Violation

The Complainant alleged that NE#1 tried to dissuade SPD employees from reporting DC#1's transgender comment.

Employees shall not discourage, interfere with, hinder, or obstruct any person from filing a complaint or conducting or cooperating with an investigation of an alleged policy violation. SPD Policy 5.002-POL-3.

No evidence supported the Complainant's allegation. WE#1 did not recall NE#1 saying that DC#1's comment "needed to go away." She also said no one directly discouraged her from filing a complaint. An SPD captain did not recall any follow-up conversations from NE#1 about DC#1's comment. AC#1 told OPA that NE#1 wanted to "do the right thing" by handling the situation based on what people wanted, which was why she consulted WE#1 about referring the matter to the EEO office. These consistent recollections do not suggest that NE#1 tried to dissuade others from reporting DC#1's comment.

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

Recommended Finding: **Not Sustained – Unfounded**