



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 27, 2024

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0282

Allegations of Misconduct & Director's Findings

Named Employee #1

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

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:

The Complainant received a text message from an unknown phone number (Unknown Number) that contained an image of the world exploding, followed by a message stating, "Your world very soon." The Complainant found the message concerning and felt it could be a threat of physical or emotional harm. The Complainant learned from the cell phone carrier that the unknown phone number belonged to Named Employee #1 (NE#1).

ADMINISTRATIVE NOTE:

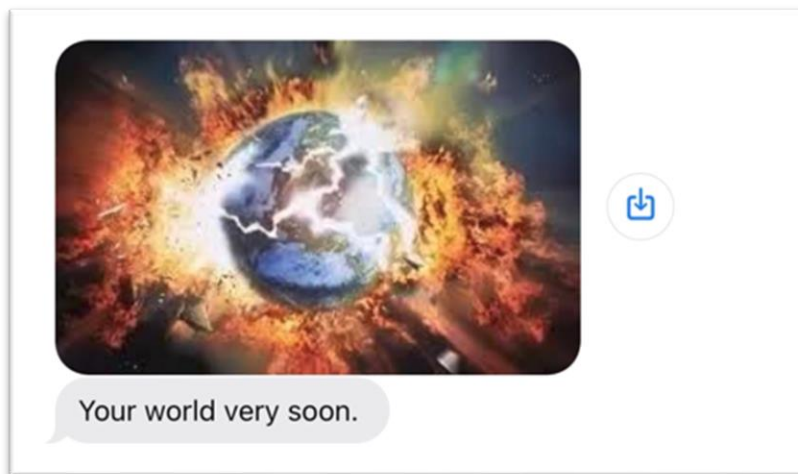
On November 15, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

A discipline meeting was held for this case on January 3, 2025. The participants of the discipline meeting had a robust conversation regarding a recommended finding in this case. During the meeting, OPA decided to amend one finding. This is discussed more fully below at Named Employee #1 – Allegation #2.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

Captain #1 learned from the duty captain that the Complainant alleged NE#1 sent her a harassing text. Captain #1 called the Complainant, who said she is in a relationship with NE#1's son (Community Member #1 or CM#1) and there was a family dispute. The Complainant received a text with a picture of the world exploding, followed by the words, "Your world very soon."



Screenshot of text message.

The Complainant did not recognize the phone number, so she contacted the cell phone carrier. The carrier informed her the Unknown Number belonged to NE#1.¹ The Complainant became concerned this was possibly a death threat. The Complainant attempted to file a police report with a nearby jurisdiction, but the other jurisdiction referred her to SPD.²

Captain #1 documented the above and referred this complaint to OPA.

B. Text Messages

In addition to the text included with the Complaint, OPA reviewed screenshots of several text message chains.

In a text message chain between NE#1 and CM#1, NE#1 texted CM#1 from his known phone number. NE#1 referenced removing CM#1 from their phone plan and that Community Member #2 (CM#2)—who is NE#1's wife and CM#1's mother—was tired of CM#1 treating her with disrespect.

CM#1 then received a text message from the Unknown Number. CM#1 received this on his own new cell number, which he had only provided to the Complainant and a small group of family members. The message stated, "Don't trust her. Check her other phone."

CM#1 texted CM#2. CM#1 sent screenshots of the messages to him and the Complainant from the Unknown Number, as well as a screenshot from the cell phone carrier showing the Unknown Number belonged to NE#1. CM#2 responded, "I don't know about this." CM#2 continued, "He feels angry too, because he sees me crying everyday. I'm sorry." CM#1 responded, in part, "This is beyond you crying everyday. This is a threat, from a new number, which he created to disguise his identity. This is now dangerous and he is not a safe person for my family."

¹ The Complainant included a screenshot that putatively showed the Unknown Number with the "Customer Name" listed as NE#1.

² OPA obtained a copy of the police report, which documented this information, including the direction to report this to SPD.



The Complainant's mother then texted CM#2. The text informed CM#2 that the Complainant was in the hospital, had received a disturbing text, and asked CM#2 to get the text messages to stop. CM#2 replied that she was not aware of the messages, but NE#1 had seen her break down and cry. CM#2 continued, "My husband loves me and when I'm hurt he hurts. No, he should not have sent any messages, but we are human too."

C. Cell Phone Number Searches

OPA was unable to confirm the ownership of the Unknown Number directly with the cell phone carrier. OPA searched open-source platforms for the Unknown Number but was unsuccessful at determining ownership of the Unknown Number. The Unknown Number was not on file with SPD HR as a contact number for NE#1.

D. OPA Interviews

OPA interviewed the Complainant, CM#1, and NE#1.

1. Complainant and Community Member #1

The Complainant provided information consistent with her complaint allegations. She also described the emotional toll this situation has taken on her, noting the distress affected her ability to work.

CM#1 also provided information consistent with the above information. When asked about the message with the picture of the world exploding, CM#1 described being unsure of "where it falls on the spectrum of what it means." CM#1 also stated he was able to verify ownership of the Unknown Number because he was still a verified user of the family phone plan. Additionally, he was able to corroborate this information through a friend who works for the phone carrier.

2. Named Employee #1

NE#1 described being employed by SPD for about twenty-six years. NE#1 stated the Unknown Number belonged to him and was a separate line on his cell phone. He explained he has two SIM cards for that phone.

NE#1 explained that CM#1 is CM#2's son and his stepson. He said CM#1 and the Complainant began dating several years ago. He described the relationship between CM#1 and the Complainant as volatile. NE#1 described CM#1 and the Complainant bringing CM#2 into this volatility, which was emotionally difficult for CM#2.

He stated he sent the text messages from the Unknown Number because he had already had a falling out with CM#1 and the Complainant. NE#1 said he blocked CM#1 and the Complainant on his other line. NE#1 stated he texted CM#1 "Don't trust her..." because he had reason to believe CM#1 should be suspicious of the Complainant and should check her work phone.

NE#1 denied his messages were meant as threats of physical or emotional harm. Asked about the meaning of the message and image of the world exploding, NE#1 stated the intention was to let the Complainant know that the "lies were ... coming out." NE#1 described how upset he was seeing the emotional impact on CM#2, stating CM#1 and the Complainant's actions caused her to, "cry[] for weeks and every night, and then I just felt helpless. I was emotionally



drained from dealing with this. I was upset. So, I sent that message because I knew that these lies were coming out, and that's what I meant by that text message. ... I didn't, wasn't threatening to harm her."

When asked whether he felt the message was unprofessional, NE#1 responded as follows:

I think why I acted emotionally from the way my wife was handling this, looking back on it, the yeah probably shouldn't have sent it [the text message], you know, I just, I just wanted [the Complainant] to know that, you know, after years of being lied to about situations, it was all coming out now, so there was no intent to cause her any harm or fear, and there's never been any animosity between us. My relationship with her is just, you know, she was, she was [CM#1's] girlfriend, and we welcome her in our home. There's no, I don't see any reason that she would think that I would mean any physical harm to her or threaten her anyway.

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 threatened her, specifically, that the text message including the image of the world exploding could be a "death threat."

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. The relevant law in this instance would be harassment. "(1) A person is guilty of harassment if: (a) Without lawful authority, the person knowingly threatens: (i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or (ii) To cause physical damage to the property of a person other than the actor; or (iii) To subject the person threatened or any other person to physical confinement or restraint; or (iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical health or safety; and (b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. 'Words or conduct' includes, in addition to any other form of communication or conduct, the sending of an electronic communication." RCW 9A.46.020. Harassment is a felony if the threat is to kill the person threatened. *id.*

This allegation is unfounded. As an initial matter, NE#1's text message "Your world very soon," accompanied by drawn image of the world exploding does not include an explicit threat and—on its face—could be understood to mean any number of things other than a threat of bodily injury or physical damage to property. Also, NE#1 denied knowingly threatening the Complainant and explained he meant that the Complainant's lies were being exposed. In context of the familial situation, NE#1's explanation is plausible, especially as neither the Complainant nor CM#1 alleged that NE#1 had ever threatened or harmed them in the past.

As discussed below in Allegation #2, OPA does not condone the content or manner of NE#1's "your world very soon" message. But OPA cannot find it constituted a crime. Even if OPA found that the message was clearly threatening—which OPA does not—the First Amendment requires that a criminal penalty for words alone can only be imposed where the words constitute a "true threat." *See State v. Kilburn*, 151 Wash.2d 36 (2004). There is no requirement that the speaker intends to carry out the threat. *See id.* at 46. Instead, the State of Washington has an "objective test" for determining whether a threat constitutes a "true threat." *Id.* at 45. "A true threat is a statement made in a context or under such circumstances wherein a reasonable person would foresee that the statement would be interpreted as a



serious expression of intention to inflict bodily harm upon or to take the life of another person.” *Id.* (quotation marks and citations omitted) (emphasis added). Here, NE#1 sent the Complainant a single message: an image of a world exploding and the words “your world very soon.” He did so in the middle of a highly emotional family dispute in which he felt the Complainant’s “lies” were being exposed. This is more consistent with NE#1 speaking from a temporary sense of heightened anger than a serious expression of an intent to hurt the Complainant. *Cf. id.* at 43 (“A true threat is a serious threat, not one said in jest, idle talk, or political argument.”).

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 that NE#1 was unprofessional

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.*

SPD’s professionalism policy explicitly applies to off-duty personal conduct where the behavior could “undermine public trust.” That said, all communication must be considered in context based on the totality of the circumstances. Here, this matter involved a heated family dispute.

NE#1 sent the above picture of an exploding world with the text “your world very soon” to the Complainant from an unknown cell phone number.³ He did so during a tense family dispute without identifying himself or providing any other context to the Complainant. The message was concerning enough that the Complainant filed a police report and OPA complaint. CM#1 and the Complainant’s mother sent messages to CM#2 to tell NE#1 to stop messaging the Complainant which he did. As NE#1 himself acknowledged in his OPA interview, the message was not the best way to handle the situation, and he probably should not have sent it.

OPA acknowledges NE#1 took full responsibility for his actions. Also, this appears to be an aberrant situation in NE#1’s career. OPA reminds him to be cognizant of the impact of his communication and how it could potentially affect public trust when taken out of context.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policy 5.001-POL-10 with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

³ NE#1 having blocked the Complainant’s number on his other line.