



June 22, 2023

TO: Council President Debora Juarez
Councilmember Lisa Herbold
City Attorney Ann Davison
CPC Interim Executive Director Cali Ellis
CPC Co-Chairs Joel Merkel, Reverend Harriet Walden, and Reverend Patricia Hunter
Inspector General for Public Safety Lisa Judge
OPA Director Gino Betts, Jr.
SDHR Director Kimberly Loving

RE: Findings for OPA Investigations Involving Former SPD Chief Carmen Best

I. Introduction

The Executive submits this memorandum concerning the completed investigations and findings for three Office of Police Accountability (OPA) cases involving former Chief of Police Carmen Best: 2020OPA-0345, 2020OPA-0355, and 2020OPA-0476. All three investigations dealt with allegations made against Chief Best arising out of the racial justice demonstrations in the summer of 2020.

City law governs the procedure for investigations of allegations of misconduct made against a Chief of Police and assigns the final decision on findings and potential discipline to the Executive. Consistent with SMC 3.29.550, the investigations were completed and findings issued by an outside investigative entity – the Seabold Group. The investigations were then reviewed and certified by the Office of Inspector General for Public Safety (OIG). The OIG transmitted the investigations to the Executive on May 23, 2023. SMC 3.29.580 requires the Executive to address the investigations within 30 days of receipt of the files. Pursuant to SMC 3.29.580(A)-(C), the Executive is required to: (1) issue “[a] statement on the investigation and its findings, including whether the Chief’s actions were consistent with SPD department policy as articulated in the SPD police manual, the City’s values, and SPD’s values to protect and serve”; (2) give notification of whether the Chief will be discharged or otherwise disciplined; and (3) provide a summary document consistent with an OPA closed case summary.

II. Findings

2020PA-0345

This investigation assessed whether Chief Best acted contrary to Seattle Police Department (SPD) policy when she authorized the use of tear gas¹ via a delegation to subordinate supervisors.

The investigator concluded that, while Chief Best issued an order limiting the use of tear gas during demonstrations, “[s]he clearly reserved to herself and her designee...the authority to order the use of CS gas in life safety situations.” As such, the investigator determined that the delegation did not violate this directive.

The investigator further identified that Chief Best’s delegation of the decision to use tear gas to a subordinate employee, as well as an Assistant Chief’s decision to delegate that decision in turn to a

¹ Tear gas is also referred to as “CS gas.”

Captain, were also consistent with SPD policy. As noted by the investigator, the actual deployment decision made by the Captain was outside of the scope of the investigation.

The Executive concurs with these investigative findings. Further, given changes at the local and state levels governing the use of tear gas and requiring executive-level approval prior to deployment, the specific situation that occurred here will not be repeated in the future.

2020OPA-0355

It was alleged that Chief Best made three intentionally false statements: (1) that armed individuals were “patrolling” the CHOP zone; (2) that “these armed people may be demanding payment from business owners in exchange for...protection”; and (3) that “they may be demanding to see identification from people who live in the area.”

A. First Statement

With regard to the *first statement*, the investigator concluded that there was “factual support for Chief Best’s statements that the SPD observed or was informed that ‘armed’ protestors were ‘patrolling’ portions of the CHAZ.” The investigator pointed to evidence in support of this determination, including video recordings depicting armed individuals engaging in such behavior.

The Executive concurs that there was a factual basis underlying Chief Best’s first statement.

B. Second Statement

With regard to the second statement, the investigator determined that the claim of extortion was based on a Twitter post from an unverified source and “that was not properly vetted or corroborated.” While the investigator posited that Chief Best was “cautious in her public statements and made it clear that the SPD had received no formal reports of extortion,” the investigator noted the following:

Local and national media reported the story and claims of extortion became a prevailing narrative despite Chief Best’s efforts to clarify that no formal reports had been received. SPD could have and should have clarified the source of the extortion reports at the time to avoid or mitigate the possibility that reports would be overstated and accepted as fact.

The investigator further identified that that Twitter poster did not use the term “armed,” yielding that portion of Chief Best’s statement inaccurate. However, due to Chief Best’s refusal to sit for an interview, the investigator was “unable to determine what Chief Best knew or was told about the factual source of the extortion claims, and therefore cannot conclude that she knowingly and intentionally made false claims about that issue.” Based on Chief Best’s presumptive training as a former Public Information Officer, training in courtroom testimony under oath, use of social media, and actual crisis management experience and training, her conduct should always demonstrate an obvious commitment to use factually accurate information. This commitment becomes particularly important when such information is coming from a leadership position and is publicly disseminated. As Chief, her conduct should also demonstrate a cautiousness or complete refusal to use language or disseminate information that can be inflammatory or conclusory in a manner that can escalate violence or public confusion. There is certainly no record that

her decisions reflected these responsibilities. Chief Best was afforded the opportunity to clarify the record on this responsibility and, unfortunately, failed to do so.

The Executive concurs that, while the second statement was supported in part by a Twitter post, it was not fully vetted or verified and that there was no reference to the protestors being armed. In this respect, while not provably false, the statement was incomplete and insufficiently corroborated prior to dissemination. The Executive further concurs that the lack of an interview by Chief Best prevents a full determination on this matter.

C. *Third Statement*

With regard to the *third statement*, the investigator determined that “Chief Best’s representation that protesters were challenging people who entered the CHAZ was supported in limited part by...livestreaming on June 8-9, but there was insufficient information available to independently corroborate that protesters were routinely demanding to see identification from individuals entering the CHAZ.” The investigator opined that Chief Best “may have been relying” on a “June 9, 2020 safety bulletin, which would have provided a good faith basis for sharing information that was included in that report.” However, the investigator posited that this safety bulletin may have been exaggerated as “there was substantial evidence that before Chief Best issued her statement on June 11, people were able to enter and exit CHAZ unobstructed.”

The Executive lastly concurs that the third statement was factually supported, in part, and that Chief Best may have had a good faith basis to make the statement to the extent she was relying on the safety bulletin. However, as with the second statement, the Executive concurs with the investigator that there is insufficient evidence in the record to determine what, in fact, Chief Best relied upon and whether this statement was knowingly and intentionally inaccurate.

In reaching this finding, the Executive again expresses disappointment in Chief Best’s refusal to sit for an interview on this matter of public concern as it prevented a full assessment of the propriety of her actions during an important moment in the history of Seattle. While the Executive recognizes that Chief Best was not employed by the City of Seattle during the pendency of this investigation, she should have participated in an interview regardless. It is in the interests of the public and the City of Seattle to fully understand the events and the decision-making process that surrounded the protests and public demonstrations that occurred during the summer of 2020. The Executive believes that public employees who have had the honor to serve the City in such leadership positions should assist in establishing a review and record with the hopes of saving lives, reducing property destruction and loss, and addressing the erosion of public trust. The Executive has clearly communicated to current Chief Adrian Diaz the expectation that he will fully cooperate with all investigations into allegations of misconduct against him, including providing testimony when requested, and he has confirmed that he will do so. The Executive has also made clear to SPD that matters of public concern will be properly vetted and verified prior to dissemination to avoid the issues that arose in both this case and 2020OPA-0476.

2020OPA-0476

With regard to 2020OPA-0476, it was alleged that Chief Best was knowingly and intentionally dishonest when she stated that “a violent crowd prevented SPD officers from safely accessing and providing emergency medical treatment to two shooting victims located inside the area known as the CHOP.” The investigator analyzed Chief Best’s statements in the context of both victims.

A. Statement Relating to the First Victim

Concerning the first victim, the investigator found that audio and video evidence supported the conclusion that officers were confronted with a “hostile crowd” upon entry into the CHOP zone, that the crowd followed officers as they retreated, and that members of the crowd engaged in acts that were “threatening.” However, the investigator determined that the assertion by Chief Best that the crowd “prevented SPD officers from safely accessing and providing medical treatment” to the victim was not “factually accurate” and was a “misleading account of what had occurred.” Similar to 2020OPA-0355, the investigator pointed to Chief Best’s declining to be interviewed as preventing a conclusive determination as to what information she relied upon when making the statement and, as such, whether it was knowingly and intentionally false.

B. Statement Relating to the Second Victim

In regard to the second victim, the investigator identified that neither SPD nor the Seattle Fire Department attempted to enter the CHOP zone, discussing that it was “too hot” to do so. The investigator wrote that: “it is possible Chief Best may have intended to communicate that because of the hostility encountered by officers in reaching victim one, SPD concluded it was too dangerous to enter the CHOP zone a second time to render assistance to victim two.” However, the investigator concluded that, if this was Chief Best’s intent – which is unknown due to her decision to not be interviewed – she “could have been much more precise in her communications.” The investigator again had insufficient evidence to determine whether the statement was knowingly and intentionally false.

The Executive concurs with the investigator that, while the initial part of Chief Best’s statement concerning the demeanor of the crowd was accurate, the manner in which she phrased the second portion of her statement was inaccurate and imprecise in that it suggested physical action by the crowd. The Executive further concurs with the investigator that there is insufficient evidence in the record to determine whether Chief Best knowingly and intentionally communicated false information, thus engaging in dishonesty. In this respect, the Executive reasserts the concerns articulated above and in the context of the findings for 2020OPA-0355.

III. Discipline

As the Executive concurs with the investigator that either no SPD policies were violated or that there is insufficient evidence to determine whether a policy violation occurred, discipline is not imposed in these cases. Moreover, discipline could not be imposed given that Chief Best is no longer subject to such sanctions given that she is not a current SPD employee.

IV. Closed Case Summaries

As no discipline is imposed, a disciplinary action report will not be completed. In compliance with SMC 3.29.580, the OIG will post the investigation reports for these three cases to its website along with a copy of this letter. These documents will serve as the closed case summaries.

Dated this 22nd day of June, 2023.

A handwritten signature in black ink, reading "Bruce A. Harrell". The signature is written in a cursive, flowing style.

Bruce A. Harrell
Mayor of Seattle