



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 1, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0145

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	SPD Policy 5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

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 alleged Named Employee #1 (NE#1) targeted him for a "background check" due to his skin tone, hair style, and ethnic community.

ADMINISTRATIVE NOTE:

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) review and approval, believed it could reach and issue recommended findings based solely on its intake investigation, without interviewing the involved employees.

SUMMARY OF INVESTIGATION:

The Complainant and Community Member #1 (CM#1), who claimed to act on the Complainant's behalf, filed an OPA complaint against NE#1. They alleged NE#1 investigated the Complainant based on a "social media rumor" he committed a robbery. The Complainant also alleged NE#1 targeted him with a "background check" and retrieving his Department of Licensing (DOL) records. Further, they alleged NE#1 targeted the Complainant due to his skin tone, hair style, and ethnic community.

OPA opened an investigation. During its investigation, OPA reviewed the OPA complaints, Computer-Aided Dispatch (CAD) records, incident reports, and Mark43 records. OPA also reviewed email correspondence with attached images.

From late 2021 through 2022, OPA received numerous complaints concerning NE#1. Other agencies also received several complaints from the Complainant, CM#1, and/or other individuals with allegations against NE#1. To date, OPA has opened seven separate investigations concerning these apparently related allegations.¹ Two of those

¹ 2021OPA-0534, 2022OPA-0077, 2022OPA-0132, 2022OPA-0145, 2022OPA-0159, 2022OPA-0209, 2022OPA-0227.



investigations concluded with Not Sustained findings.² The remaining five—including this one—were designated Expedited Investigations.

A. Complaints

OPA received six web-based or emailed complaints related to this case:

- May 3, 2022, 5:16PM: Web-based complaint from CM#1
- May 3, 2022, 5:34PM: Web-based complaint from an unidentified subject but listed CM#1's email address
- May 5, 2022, 7:33AM: Web-based complaint from the Complainant
- May 5, 2022, 7:58AM: Web-based complaint from the Complainant³
- May 5, 2022, 8:11AM: Web-based complaint from the Complainant

CM#1 also called and emailed OPA claiming to work for a community group in South Seattle. He made allegations against NE#1 but declined to participate in a recorded interview. On May 18, 2022, CM#1 made OPA complaints mirroring those alleged in pending OPA investigations⁴ and new allegations that OPA subsequently investigated.⁵ CM#1 also claimed to have proof corroborating his allegations, which OPA repeatedly requested. On May 20, 2022, at 1:55PM, CM#1 emailed OPA—without explanation or context—what appeared to be three cut-off pages. Two of those pages appeared to be either from a probable cause statement or Case Investigation Report (CIR), neither of which referenced the Complainant. The third cut off page appeared to match a half-page portion of the CIR referenced in both 2021OPA-0534 and 2022OPA-0132. That same day at 4:58PM, CM#1 emailed OPA with the Complainant's name in the subject line. The body of the email read "[Complainant] claimed that [NE#1] put a dol query of his license in a police report due to Instagram rumors of him being involved in a robbery without proper probably [sic] cause." That email also contained a photograph of what appeared to be a cell phone with a cracked screen displaying a portion of what appeared to be a DOL query and a picture of an unnamed individual.

B. Records Searched

OPA found no CAD records or incident reports related to the complaint. OPA also searched Mark43 (SPD's record management system) but was unable to locate cases connected to the Complainant.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 engaged in bias-based policing by running a "background check" on him based on his skin tone, hair style, and ethnic community.

² 2021OPA-0534 and 2022OPA-0077

³ This complaint was forwarded to OPA from OIG.

⁴ 2022OPA-0132; 2022OPA-0077; 2021OPA-0534; 2022OPA-0145

⁵ 2022OPA-0159



SPD policy prohibits bias-based policing, defined as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. That includes different treatment based on race. *See id.*

Here, OPA found no corroboration for the allegation against NE#1. Where CM#1 claimed to possess information supporting the allegation, he provided questionable and sparse materials of scant probative value. Conversely, during NE#1’s OPA interview for 2021OPA-0534, OPA received compelling evidence demonstrating the complainants in 2021OPA-0534 and 2022OPA-0132 conspired to file false allegations against NE#1 with OPA and at least one law enforcement agency.⁶

Further, as the complaint suggests, NE#1’s interest in the Complainant was based on his rumored involvement in a robbery. NE#1 is a robbery detective. She investigates robberies. There is no evidence any interest she had in the Complainant was motivated beyond her interest in doing her job. Even if NE#1 searched DOL’s public records database for the Complainant’s name, there is no evidence she treated him differently from any other robbery lead. Last, OPA searched SPD systems and could not find any cases connected with the Complainant’s name.

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

⁶ During that interview, NE#1 gave OPA a video (obtained by search warrant) from a criminal investigation. That video depicted the complainant in 2021OPA-0534 on the phone joking about filing complaints against NE#1 and threatening NE#1. According to NE#1, the complainant in 2021OPA-0534 was speaking with the complainant in 2022OPA-0132.