



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 14, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0159

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing 5.140-POL 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	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:

An anonymous Complainant allege Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3)—an unknown employee—investigated an East African community based only on race. The Complainant also alleged NE#1 and NE#2 made false statements to obtain a warrant.

ADMINISTRATIVE NOTE:

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



SUMMARY OF INVESTIGATION:

From late 2021 through 2022, OPA received numerous complaints concerning NE#1. Other agencies also received numerous contacts from this Complainant, CM#1, and/or other individuals filing complaints against NE#1. To date, OPA has opened seven separate investigations concerning these apparently related allegations.¹ Two of those investigations concluded with Not Sustained findings.² The remaining five—including this one—were designated Expedited Investigations.

A. Complaints

On May 18, 2022, OPA spoke over the phone to Community Member #1 (CM#1), who claimed to be acting on behalf of several men from one of Seattle's East African communities. CM#1 stated one of the men claimed NE#1 arrested his cousin (Cousin) for robbery based on his ethnicity. Specifically, CM#1 stated NE#1 obtained a warrant for Cousin's Snapchat account based on a probable cause statement she fabricated but attributed to an "anonymous source." CM#1 provided Cousin's first and last names.

On May 30, 2022, OPA received a web-based complaint from a person with Cousin's last name. The complaint listed a phone number and email address. The web complaint alleged NE#1 "made threats" and "harassed" the complainant's family and "lied about my cousin on a probable cause police report."

On June 2, 2022, OPA was emailed from the email account listed on the May 30 web complaint. That email's subject line was "Lying in a police report." Its body read: "Hello I have filed a complaint against [NE#1] for falsifying [sic] facts on a police report but I have not been contacted by opa yet[.]"

B. Criminal Investigation

OPA located a criminal case where Cousin was arrested for a series of bank robberies. The case contained a probable cause statement authored by NE#2. The probable cause statement detailed NE#2's investigative steps. Cousin was linked to a series of robberies based on distinctive clothes, distinctive firearm, and similar method of robbery. In some of the robberies, the suspect left behind handwritten demand letters. The penmanship of those letters appeared to match. There was also video evidence and witness testimony from the robberies.

The probable cause statement also noted, in response to a media release, three anonymous sources identified Cousin as the robber. NE#1 knew two of those anonymous tipsters, both having provided accurate and reliable information on prior investigations.

One of the anonymous sources led law enforcement to Cousin's Snapchat account. Detectives looked at Cousin's Snapchat account and saw him wearing some of the distinctive clothing that matched clothing worn by the bank

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

² 2021OPA-0534 and 2022OPA-0077



robbery suspect. That information led NE#2 to obtain a search warrant for Cousin's Snapchat account. Digital information was recovered, including GPS data, which further linked Cousin to the robberies. A judge approved an arrest warrant for Cousin. Cousin was arrested and, thereafter, confessed to all the robberies.

C. Telephone Contact with Complainant

An OPA investigator called the Complainant on June 7, 2022 and twice on June 30, 2022. One of those calls was answered by someone who sounded like Community Member #2 (CM#2). CM#2 was the complainant in two other OPA investigations with allegations against NE#1: 2021OPA-0534 and 2022OPA-0077. CM#2 did not self-identify, but the OPA investigator was familiar with CM#2's voice from previous interviews, phone conversations, and a video recording. CM#2 hung up on the OPA investigator.

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.

SPD policy prohibits biased 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.

Here, the Complainant, CM#1, and CM#2 provided almost no relevant information for OPA to investigate. They did not specify what information NE#1 allegedly fabricated to secure the warrant. Nor did they explain how reliance on demographic and clothing descriptions to identify a bank robbery suspect constituted biased policing. See SPD Policy 5.140-POL-3 (The Characteristics of an Individual May Be Appropriately Considered in Limited Circumstances). NE#1 and NE#2 are sworn law enforcement officers who investigate crime. One of the ways criminal investigators identify suspects is by physical description. There was nothing biased about using the suspect's physical description to make an identification.

Moreover, the OPA investigator contacted the Complainant by the phone number provided and CM#2 answered the phone. During NE#1's OPA interview for 2021OPA-0534, she gave OPA compelling information that CM#2 conspired to file meritless complaints against her with OPA and at least one law enforcement agency.³ Overall, OPA has received and investigated several unsubstantiated complaints against NE#1 apparently initiated by the Complainant and CM#2. This allegation is no different.

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

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

³ In her OPA interview for 2021OPA-0534, NE#1 provided OPA with video footage obtained by search warrant as part of a criminal case. That video depicted CM#2 joking on the phone about filing complaints against NE#1 and threatening NE#1.



Named Employee #1 - Allegation #2

5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

For the reasons set forth in Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #1

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

For the reasons set forth in Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #2

5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication

For the reasons set forth in Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

Named Employee #3 - Allegation #1

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

For the reasons set forth in Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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