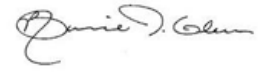

Issued Date: JULY 19, 2024

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



Case Number: 2024OPA-0059

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded

Named Employee #2

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional
Finding: Allegation Removed
- 2. Allegation #2:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Allegation Removed

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:

Named Employee #1 (NE#1) oversaw a Joint Enforcement Team (JET) inspection of multiple Seattle establishments, including LGBTQ+ venues. Five complainants alleged that NE#1 and Seattle Police Department (SPD) officers raided gay bars, constituting unprofessionalism and discrimination against the LGBTQ+ community.

Administrative Note:

On July 16, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

A. OPA Complaints

From January 29 through 31, 2024, five complainants filed OPA complaints, expressing concerns that SPD officers raided gay bars that they alleged was discriminatory.

OPA investigated the complaints, reviewing email correspondence and documents, a Seattle Times article, the chief of police statement, and the Washington State Liquor and Cannabis Board (LCB) statement. OPA also interviewed two complainants and NE#1.

B. Background: Joint Enforcement Team (JET)

JET is comprised of members from SPD, Seattle Fire Department, Finance and Administrative Services, Seattle Department of Transportation, LCB, and Seattle Department of Construction and Inspection. JET inspects nightclubs, bars, restaurants, and other businesses to ensure they are safe and comply with regulatory and license codes. SPD's role during an outing is to provide security for JET members. LCB's role during an outing is to enforce liquor, tobacco, vape, and marijuana laws to promote public safety. See WAC 314-29-020 (effective November 17, 2018) (penalizing, among other things, the sale or service of alcohol to a minor, a minor frequenting a tavern, disorderly conduct, criminal conduct, and lewd conduct).

C. Email Correspondence and Documents

NE#1 provided OPA with email correspondence and documents, setting forth the following:

- **NE#1's Documentation of a Meeting with Business #1's Former Security Guard.** NE#1 wrote that on January 16, 2024, JET met with a security guard (Community Member #1 or CM#1) formerly employed at Business #1—a gay bar. NE#1 wrote that, according to CM#1, Business #1 patrons were nude, had sex in the bathrooms, and used drugs. NE#1 wrote that Business #1's management tolerated such conduct, which CM#1 corroborated with texts and emails. In one example, Business #1's owner texted CM#1, "Cut the drama out regarding drug tunnels and gogos. Lay off monitoring bathrooms so hard. Give people respect and privacy and the benefit of the doubt." NE#1 wrote that CM#1 tried to implement security measures at Business #1, like clearing its bathrooms, prohibiting multiple people from entering one stall, confiscating narcotics, and prohibiting drug use. CM#1 attempted to implement security measures that he learned in a nightlife security training class taught by NE#1. NE#1 wrote that Business #1's management filed a sexual harassment claim against CM#1, then subsequently fired him. NE#1 wrote, "The plan now is to meet with the owners and have [Business #1] on the JET agenda consistently moving forward."
- **NE#1's Documentation of a JET Outing.** NE#1 wrote that on January 26, 2024, JET performed an outing at Business #1 where JET members observed a nude employee. NE#1 wrote that two SPD officers who participated in the outing took no enforcement action. NE#1 wrote that he did not participate in the JET outing but took responsibility for JET's actions. NE#1 wrote that LCB and SPD previously warned Business #1 several

times about its nude employees. Email correspondence between JET members suggested that LCB was the lead agency for the January 26, 2024, JET outing.

- **LCB Memo.** An LCB interoffice memo dated January 29, 2024, noted complaints against three establishments—one of which was Business #1. The memo noted that a verbal warning was issued to Business #1 for lewd conduct based on its bartenders' nudity. Additionally, Business #1's premises check history, included with the memo, contained entries dating from February 24, 2022, to September 11, 2023. Multiple entries noted LCB's concern about bartenders' nudity.

D. Chief of Police Statement

On February 2, 2024, SPD's chief of police issued a statement, saying, in part, "SPD participated in support of other City departments and Washington State Liquor and Cannabis Board officers in civil code inspections across ten locations, two of which were well-known LGBTQ+ nightclubs." The chief of police also said, "SPD's role in these inspections was solely for the purposes of maintaining peace."

E. Liquor and Cannabis Board (LCB) Statement

On January 30, 2024, LCB issued a statement, saying, in part:

On Friday Jan. 26, two LCB officers joined members of the City of Seattle's Joint Enforcement Team (JET) as part of a monthly review of code enforcement at locations within Seattle. As part of that night's works, the LCB visited 10 locations, two of which were known gay venues. Members of the JET team observed seven violations at these ten locations ranging from public safety violations of overservice to low-priority lewd conduct (WAC 314-11-050).

WAC 314-11-050 prohibited licensees from allowing, permitting, or encouraging employees to be unclothed or clothed in a manner that exposes specific body parts. WAC 314-11-050 was repealed, effective July 19, 2024.

F. OPA Interviews

Complainant Interviews

Two complainants agreed to an OPA interview.

On February 14, 2024, OPA interviewed Complainant #1. Complainant #1 believed SPD's "raid" of gay bars targeted a specific community, constituted a misuse of resources, and was motivated by bias. Complainant #1 said he learned about the incident from the Seattle Times article. According to that article, law enforcement inspections at LGBTQ+ nightlife venues "incited anger and fear among customers and workers." The article noted that law enforcement officers found lewd conduct violations, not alcohol-related violations, at several venues, including Business #1.

On February 15, 2024, Complainant #2 elected to email OPA. Complainant #2 wrote that JET inspected three gay bars—one of which was Business #1—that he described as harassment. Complainant #2 requested that SPD stop harassing these gay bars.

Named Employee #1 (NE#1) Interview

On May 28, 2024, OPA interviewed NE#1. NE#1 said he aimed to build relationships after he began leading JET in 2023, which meant meeting with community members, communicating with them, and educating them, like conducting a nightlife security training class. NE#1 said his interactions with Business #1 employees were pleasant when he visited twice. NE#1 said CM#1 reported nudity, sex, and drug use at Business #1, consistent with NE#1's documentation. NE#1 said CM#1 also reported that Business #1's management disapproved of CM#1's security measures and tolerated lewd or unlawful activities, which CM#1 corroborated with texts and emails from management. NE#1 described these allegations as concerning. NE#1 said an LCB sergeant told him about Business #1's three-year history of violations, including employees and patrons wearing jockstraps, permitting patrons to insert money into thongs or jockstraps, or filming nudity. NE#1 said JET performed an outing at Business #1, and the two SPD officers who responded with JET reported that the outing went smoothly. NE#1 said there was no information about SPD officers being unprofessional. NE#1 said he reviewed and approved the JET outing.

NE#1 said JET inspected other locations besides Business #1 because of alleged violations concerning service to minors, tax and license noncompliance, amplified music, and unpermitted clothing. NE#1 indicated he was JET's leader, though there was no on-scene commander on the day of JET's outing because SPD was not taking enforcement action. NE#1 did not believe CM#1 was retaliating against Business #1 and thought CM#1's allegations were credible because emails and text messages from Business #1's management corroborated those allegations.

Attempted Interviews

LCB's sergeant declined OPA's request for an interview. Additionally, Business #1's management did not respond to OPA's request for an interview.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The complainants alleged that NE#1 "raided" gay bars during a JET outing.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*

OPA found insufficient evidence supporting unprofessionalism. NE#1 told OPA that his interactions with Business #1 employees were always pleasant. Acting under NE#1's direction, the SPD officers who responded to the JET outing were reportedly professional and only

provided security since SPD did not intend to take enforcement action. Although NE#1 led JET and approved the JET outing at Business #1, LCB took the lead role in code enforcement actions, using its discretion to cite or warn noncompliant businesses. Additionally, OPA found no evidence supporting the complainants' interpretation of SPD "raiding" gay venues or intimidating their patrons. To the extent that NE#1 allegedly undermined public trust in the Department by specifically targeting gay venues, that allegation is unfounded as articulated in Named Employee #1 – Allegation #2.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #2

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

The complainants alleged that NE#1 discriminated against gay bars.

Biased policing means "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual." SPD Policy 5.140-POL. It includes different treatment based on sexual orientation. See *id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

Business #1 was known to LCB before NE#1 led JET. Reports of nudity, which violated WAC 314-11-050, spanned nearly three years. NE#1's attention was directed to Business #1 based on CM#1's reportedly credible allegations involving nudity, sex, and drug use—alleged activities that were unlawful. The documentation CM#1 provided to NE#1 appeared to suggest that Business #1's management tolerated such activities. JET performed outings at 10 different establishments—only two of which were LGBTQ+ venues. Based on this record, OPA found insufficient evidence supporting the complainants' interpretation of discriminatory mistreatment against gay bars, including Business #1.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The complainants alleged that Named Employee #2 (NE#2)—an unknown employee—"raided" and discriminated against gay bars during a JET outing.

During its intake investigation, OPA was unable to identify the SPD officers who responded to the JET outing. OPA later learned that two officers and an acting sergeant responded. These SPD employees stood by to provide security during the JET outing but had no direct involvement in

identifying any violation or issuing any warnings or citations. OPA's investigation found that the complainants' allegations only concerned NE#1 since the SPD employees acted under NE#1's authority.

Accordingly, OPA recommends this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 – Allegation #2

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

For the reasons at Named Employee #2 – Allegation #1, OPA recommends this allegation be removed.

Recommended Finding: **Allegation Removed**