



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 28, 2022

FROM: DIRECTOR GINO BETTS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0211

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded

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:

On June 26, 2022, the City of Seattle celebrated Pride with at least two events: 1) The Seattle Pride parade (a large downtown Seattle event that attracts several thousand attendees), and 2) Capitol Hill Pride’s event (held at Cal Anderson Park.) Thereafter, two Complainants alleged uniformed SPD officers attended both events despite organizers’ requests for no police presence.

ADMINISTRATIVE NOTE:

The Office of Inspector General (OIG) certified this investigation as objective but declined to find it thorough and timely. OIG declined to certify the investigation as thorough because OPA did not notify, classify allegations against, or interview five uniformed officers allegedly pictured at Cal Anderson Park. OIG declined to certify the investigation as timely because, following OIG’s review, OPA did not allow sufficient time for notifying and interviewing those five officers.

OPA appreciates OIG’s perspective and will incorporate its feedback into future investigation plans. However, OPA respectfully disagrees that allegations should have been classified against those five officers or that interviewing those officers was likely to result in allegations against them.

During its investigation, OPA identified three officers pictured at the Pride parade (Witness Officers #1-#3) and five officers pictured at Cal Anderson Park (Witness Officers #4-#8). However, OPA did not classify allegations against those officers because the evidence did not suggest potential misconduct. Absent SPD’s order to the contrary, uniformed officers’ presence in public spaces does not allege potential misconduct. Moreover, community members cannot prohibit uniformed officers from attending events in public spaces. As discussed below, at the Pride parade organizers’ request, Chief Diaz ordered, “SPD employees will respectfully decline to march in the parade.” However, Chief Diaz explicitly noted uniformed officers would “staff Sunday’s parade” and would “be along the route.” Overall, Chief Diaz



did not prohibit officer presence at either event. Similarly, where Chief Diaz confirmed he did not issue an order prohibiting officer attendance at either event, OPA elected not to interview Witness Officers #4-#8 because those interviews were unlikely to result in new allegations or substantiate the allegations OPA classified.

As stated, OPA appreciates OIG's partnership and feedback. OPA also acknowledges had the investigation concluded sooner, even where OPA disagrees with the probative value of OIG's directed additional investigative steps, those steps could have been implemented. As always, OPA will continue to strive to submit all cases for OIG review with sufficient time for additional investigation. See Seattle Municipal Code 3.29.130(H) (directing OPA to provide investigations to OIG with "sufficient time for OPA to conduct additional investigation if requested or directed by OIG").

SUMMARY OF INVESTIGATION:

On June 28, 2022, OPA received a web-based complaint, which included a linked to a Twitter post (Photograph #1) showing three uniformed SPD officers (Witness Officers #1-3.) The Twitter post also included text alleging the officers "showed up to Pride armed and in uniform" "[a]gainst the wishes" of the Pride parade organizers. The web-based complaint alleged the officers "marched" in the parade "against orders," which anonymous Complainant #1 characterized as "unprofessional behavior and insubordination."

On July 30 and July 1, 2022, OPA received two similar email and web-based complaints from Complainant #2. Complainant #2 alleged the Capitol Hill Pride event banned uniformed police officers. Complainant #2 stated she saw five uniformed officers shopping and "talking to a vendor," allegedly "disregarding and defying the Capital Hill Pride's ban." Complainant #2 attached a photograph of Witness Officers #4-#8 allegedly at the Capitol Hill Pride event (Photograph #2).¹ Complainant #2 stated one officer "debated" her and confirmed he "knew of the ban." Complainant #2 stated her event's "2021 policy of uniformed officers in the park is still in effect." Complainant #2 also alleged the officers' actions were counter to their "responsible duty of threat surveillance."

OPA opened an investigation. During its investigation, OPA reviewed the OPA complaints, a June 22, 2022 letter from Chief Diaz (Diaz Letter), Special Event paperwork and park use permit, Computer-Aided Dispatch (CAD) call reports, an incident report for occurrences at the Cal Anderson Park event, emails, and photographs. OPA interviewed Complainant #2, Witness Officer #1, and Witness Officer #2.

a. Open Letter from Chief Diaz to Seattle Pride Executive Board

Chief Diaz wrote an open letter to the Seattle Pride Executive Board dated June 22, 2022 (Diaz Letter). In that letter, Chief Diaz explained his disagreement with Seattle Pride's following statement:

Due to the history of Stonewall Sunday and the fact that Pride was birthed from a riot against police brutality, Seattle Pride will not permit police uniforms, police vehicles, any police insignia, or police propaganda to walk in any parade contingency.

¹ Complainant #2 stated Photograph #2 depicted four of the five officers. OPA observed five uniformed officers in Photograph #2, although one of the officers appeared partially obscured behind some merchandise, and another officer appeared further in the background.



In relevant part, Chief Diaz wrote:

Uniformed officers from the Seattle Police Department will staff Sunday's parade to provide public safety. They will be along the route, working for a hate-free experience for all gathered. SPD officers will also be on high alert, in an effort to neutralize any threats to freedom of expression, as recently seen in Couer d'Alene, Idaho and Anacortes, Washington. But because of the Seattle Pride Executive Board's decision, SPD employees will respectfully decline to march in the parade as they have for nearly three decades.

b. Special Event Paperwork and Park Use Permit

Seattle Pride had a special event permit for its parade. The permit estimated attendance of 307,000 and detailed the Seattle Police Department's duty to provide traffic control and event security.

Complainant #2 was denied a special event permit for the Capitol Hill Pride event. The application estimated attendance of 420 people. However, 2017-2019 Capitol Hill Pride post-event reports showed 12 attendees (2019), 6 marchers (2018), and 4 marchers (2017). Capitol Hill Pride was granted a 2022 Park Use Permit. That permit had explicit terms regarding public access:

- All parks are open to the public at all times. No exclusive use is allowed.
- Permittee may not close off, rope off or partition any part of the park at any time; All park pathways, walkways, stairwells and access must remain open all times. Do not block off public access.

c. Email Correspondence

OPA requested Chief Diaz respond to emailed questions related to the June 2022 Pride events. SPD's Executive Director of Risk Management and Legal Affairs responded on Chief Diaz's behalf with Chief Diaz and the Department's chief operating officer copied.

The emailed response stated Chief Diaz did not issue an order or directive regarding officers' participation in either the Seattle Pride or Capitol Hill Pride events in June 2022. The email also attached a copy of the Diaz Letter and explained, even if the Diaz Letter was misconstrued as an order, Witness Officers #1-#8's conduct would "absolutely not be a violation of either the language or the spirit of that letter."

d. Photographs

OPA reviewed three photographs relevant to the complaints.



Photograph #1 depicted three uniformed officers—Witness Officers #1-#3—walking together. Witness Officer #1 and Witness Officer #2 appeared to wear decor in support of the event.

Photograph #2 depicted five uniformed officers—Witness Officers #4-#8—near a popup tent. The side of that tent appeared to have clothes with words like “Love is Love” and “ITS COOL TO BE QUEER” written on them.

Photograph #3 appeared to be a Twitter post showing Witness Officer #1 posing with three other people, including Mayor Bruce Harrel and Chief Diaz, on Seneca Street. Witness Officer #1 and Chief Diaz were in uniform wearing rainbow leis and holding Pride flags.

e. OPA Interviews

OPA interviewed Complainant #2, Witness Officer #1, Witness Officer #2, and the Collaborative Policing Bureau’s captain (CPB Captain).

i. Complainant #2

Complainant #2’s interview was consistent with her web-based and emailed complaints. Complainant #2 explained her organization banned uniformed police officers from their events after 2020. Complainant #2 stated she first announced the ban in 2021 and announced it would remain in effect in 2022 on Capitol Hill Pride’s website and social media. Complainant #2 said she communicated that ban to Chief Diaz and the CPB Captain.

Complainant #2 stated she observed Witness Officers #4-#8 at her event talking to a vendor. Complainant #2 said she asked the officers why they were there, and they responded they were shopping. Complainant #2 stated she told them about the ban and asked them to leave. Complainant #2 said one officer debated her about the merits of the policy. Complainant #2 stated the officer also referenced the Seattle Pride parade and stated there were many LGBTQ+ SPD officers. Complainant #2 interpreted that to mean the officer was aware of her policy and willfully violated it. Complainant #2 said the officers left when asked and did not return.

Complainant #2 also expressed frustration with Parks and Recreation’s permitting process and getting SPD to staff her event (she wanted SPD for security and traffic control). Complainant #2 felt it was unfair for SPD to allocate resources to the Seattle Pride parade but not her event. Complainant #2 also expressed frustration that five uniformed officers could shop at her event, but the Department did not provide the security or traffic control she wanted.

ii. Witness Officer #1

OPA interviewed Witness Officer #1 (WO#1). WO#1 identified herself in Photograph #3 and said it was taken near the corner of Seneca Street and 4th Avenue. WO#1 said she was standing with Mayor Harrel, Chief Diaz, and the Mayor of



San Diego. WO#1 identified herself in Photograph #1 walking with Witness Officer #2 and Witness Officer #3. WO#1 stated they were on their way to use the bathroom.

WO#1 said she understood there to be an order from Chief Diaz not to participate in the parade. WO#1 said she and other officers abided by that order by engaging with the public, not marching.

iii. Witness Officer #2

OPA interviewed Witness Officer #2 (WO#2). WO#2 stated he was SPD's LGBTQ+ liaison officer and met with LGBTQ+ groups with planned Pride events, including Complainant #2's group. WO#2 stated he reported to CPB Captain. WO#2 said he was assigned to walk and interact with the public along 4th Avenue at the Pride parade.

WO#2 reviewed Photograph #1 and stated he believed it was taken as he, WO#1, and Witness Officer #3 walked to use a bathroom.

WO#2 denied knowledge of an order not to attend Pride events in uniform. WO#2 described meeting with several Pride groups prior to June 26, 2022, where it was discussed and clearly stated that SPD would attend the Pride events for traffic control but not march or drive SPD vehicles in the parade.

iv. Captain of the Collaborative Policing Bureau

OPA interviewed CPB Captain. CPB Captain stated he was SPD's commander for the 2022 Pride events.

CPB Captain said he met with Complainant #2 numerous times. CPB Captain said Complainant #2 wanted a non-uniformed police presence. CPB Captain said he and Chief Diaz met with Complainant #2 regarding SPD assets and limitations on their ability to provide staffing. CPB Captain said since the downtown Pride parade was the larger event it was given the "lion's share" of resources.

CPB Captain described, after Pride groups requested SPD not to attend the events, more meetings were held. CPB Captain said, from those meetings, it was determined there would be a uniformed SPD presence. CPB Captain stated that plan was communicated to and understood by organizers of the Seattle Pride parade and Capitol Hill Pride. CPB Captain did not recall Complainant #2 mentioning police were banned from her event, and stated Complainant #2 was unauthorized to ban uniformed officers from the park who were there for security purposes. CPB Captain noted he would understand Complainant #2 asking officers to leave if they were attempting to infiltrate or march in her event as participants.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer

It was alleged unknown officers failed to obey a lawful order issued by a superior officer.

SPD Policy 5.001-POL-15 requires Department employees obey lawful orders issued by a superior officer. Failure to do so constitutes insubordination.

Here, Chief Diaz did not issue an order or directive forbidding uniformed SPD officers from attending either Pride event. The Diaz Letter, Chief Diaz's response to OPA questions, and planning meetings made it clear officers would attend Pride events but not march in the parade.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

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

It was alleged unknown officers were unprofessional when they failed to follow Chief Diaz's lawful order not to participate in Pride events.

SPD Policy 5.001-POL-10 requires SPD employees "strive to be professional." The policy further instructs, "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.

As discussed above, Chief Diaz did not issue an order or directive forbidding uniformed SPD officers from attending either Pride event. Accordingly, OPA was unable to identify officers in violation of that non-existent order.

Moreover, OPA did not identify officers engaged in behavior that undermined "public trust in the Department, the officer, or other officers."

Witness Officers #1-#3 were photographed in uniform, on-duty, participating in their assignment of the day. Their presence was communicated ahead of time to the public and event organizers. In his open letter, Chief Diaz specifically noted officers would be present at Pride events. Further, OPA reviewed a photograph of Chief Diaz with WO#1, both wearing decor in support of Pride.

Witness Officers #4-#8 were photographed in uniform at a public park. Complainant #2 ordered them to leave the park—something Complainant #2 had no authority to do. Nevertheless, despite having no legal obligation to do so, those officers voluntarily left the park.

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

Recommended Finding: **Not Sustained - Unfounded**