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Contact: Anne Bettesworth
Assistant Director of Public Affairs
Anne.Bettesworth@seattle.gov

Oversight entity finds 2 police officers violated law and policy when they trespassed on Capitol grounds during the Jan 6 insurrection

Seattle — Today the Office of Police Accountability (OPA) [released its investigation](#) of six Seattle Police Department (SPD) officers who attended President Trump’s “Stop the Steal” rally in Washington, DC. The investigation examined whether the officers violated law or policy by attending the rally, which later devolved into an insurrection around and within the US Capitol.

OPA’s investigation found that two of the officers violated SPD policy and Washington, DC law when they stood next to the US Capitol in a clearly-prohibited area. A photo pulled from a video shows the officers smiling while in close proximity to the Capitol as rioters lined the steps and climbed the walls and scaffolding. “That they were direct witnesses to people defiling the seat of American democracy and assaulting fellow law enforcement officers—and did nothing—makes this all the more egregious,” said OPA Director Andrew Myerberg.

Evidence confirmed that three of the officers did not violate SPD policy or engage in illegal activity when they attended the rally. Rather, the officers’ attendance was protected by the First Amendment, and they were entitled to assemble and exercise their freedom of expression. OPA Director Myerberg concluded that “absent any illegal acts, the officers’ presence at this rally was absolutely protected by the Constitution.” OPA found this to be the case even if the views held by the officers and expressed at the rally were contrary to the majority view in Seattle or, for that matter, the views held by Myerberg as the factual decider in this case.

OPA could not establish whether one of the employees trespassed, engaged in other criminal conduct, or violated SPD policy. By the same token, OPA could not find evidence to exonerate this employee. Accordingly, OPA recommended a finding of not sustained — inconclusive.

Any discipline for the two employees who trespassed at the Capitol must be determined by the Chief of Police. However, the Discipline Committee—which includes the officers’ chains of command, employment counsel and the OPA Director—recommended that the employment of both officers be terminated. As the officers are entitled to due process, additional proceedings still need to take place before discipline can be imposed.

OPA’s investigation took six months and involved interviewing the employees; reviewing video; analyzing cell phones and emails; issuing subpoenas to obtain hotel documentation; interviewing law enforcement officers, hotel staff, and bar/restaurant employees in Washington, DC; and reviewing documents provided by the employees.

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