



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 30, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0245

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL-13. Employees Will Not Use Their Position or Authority for Personal Gain	Not Sustained - Training Referral
# 2	5.001 - Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Sustained
Proposed Discipline		
135 (15 Days) to 270 Hours (30 Days) Suspension		
Imposed Discipline		
Retired Prior to Imposed Discipline		

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.

ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

EXECUTIVE SUMMARY:

The Complainant—a Deputy Prosecuting Attorney—alleged Named Employee #1 (NE#1) asked a Sheriff's Deputy (Deputy #1) to falsify a police report and refrain from making a mandatory arrest.

ADMINISTRATIVE NOTE:

On December 4, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated this complaint by reviewing the complaint materials, court records, Pierce County Sheriff's Office (PCSO) reports and supplements, the computer-aided dispatch (CAD) call report, NE#1's trainings records, Washington State laws, maps, and PCSO body-worn video (BWV) and in-car video (ICV). OPA also interviewed NE#1 and two PCSO deputies, Deputy #1 and Deputy #2. OPA determined, more likely than not, the following occurred.



NE#1—then an Assistant Chief—was in a dating relationship with Community Member #1 (CM#1) for about three years. During this time, NE#1 and CM#1 cohabitated for a period. The relationship deteriorated, ended, and NE#1 obtained a temporary protection order (TPO) protecting NE#1 from CM#1. The TPO contained the following admonishment:



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.

The TPO also restrained CM#1 from harming, contacting, or stalking NE#1, and ordered CM#1 to vacate their shared residence. The TPO also listed NE#1's residential address and included the following stay-away order, prohibiting CM#1 from coming within one thousand (1,000) feet of NE#1, NE#1's residence, "the shared residence," and NE#1's workplace:

C ☒ **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance(specify) _____ of

<input checked="" type="checkbox"/> the protected person	<input type="checkbox"/> protected person's vehicle
<input checked="" type="checkbox"/> protected person's school	<input checked="" type="checkbox"/> protected person's workplace
<input checked="" type="checkbox"/> protected person's residence	<input type="checkbox"/> protected person's adult day program
<input checked="" type="checkbox"/> the shared residence	
<input type="checkbox"/> the residence, daycare, or school of	<input type="checkbox"/> the minors named in section 3 above
<input type="checkbox"/> these minors only: _____	
<input type="checkbox"/> other: _____	

On January 12, 2023, the Court held a hearing and extended the TPO until January 30, 2023. The conditions or the TPO were not modified. Both the TPO and the order extending it noted in the header that they were for "Domestic Violence."

Two days later, on January 14, 2023, NE#1 called 911 at about 5:44 pm. The CAD call report noted that NE#1 reported, "EXGIRL 3 DOORS TO NORTH IN VIOLATION OF PROTECTION ORDER." NE#1 also provided his name, CM#1's name, a description of CM#1's vehicle and its license plate information. The CAD call report also noted, "EXGILF IS VISITING



SOMEONE THAT SHE KNOWS BUT IS VIOLATING ORDER,” and “WOULD BE AT [Neighbor’s House, an address to the north of NE#1’s home] WITH VEH PARKED IN DRIVEWAY.”

Around 7:58 pm, the CAD call report noted, “RP ADV DELAY, SHE NEVER SPOKE TO HIM, HE SAYS IT’S A VIOLATION THAT SHE DROVE PAST HIS HOUSE TO VISIT THE [NEIGHBOR’S] HOUSE, CONFIRMED SHE IS STILL AT THE [NEIGHBOR’S] HOUSE VISITING, RP CLAIMS SHE IS WITHIN 300 FEET OF HIS HOUSE.” Around 8:25 pm, Deputy #1 and Deputy #2 were dispatched to the call. The two deputies were driving in the same vehicle: Deputy #1 was a field training officer; Deputy #2 was a “deputy recruit” in the “pre-academy FTO” phase of training.

Prior to responding to the call, Deputy #1 read the TPO and confirmed it was served, valid, and prohibited CM#1 from coming within one-thousand feet of NE#1’s residence. Deputy #1 then had two phone calls with NE#1, the substance of which is at issue in this case. There is no BWV or ICV recording of these phone calls. The recollections of Deputy #1, Deputy #2, and NE#1 are summarized below.

1. Deputy #1

In his incident report, Deputy #1 wrote that he called NE#1, who said he saw his ex-girlfriend (CM#1) drive by his house, go to his Neighbor’s House three houses to the north, and that CM#1 was still there. Deputy #1 wrote that NE#1 said CM#1 was at his Neighbor’s House. Deputy #1 wrote NE#1 provided the address for the Neighbor’s House, a description of CM#1’s vehicle, and stated “the house was around 300ft from his own residence.” Deputy #1 documented using Google Maps to confirm the actual distance to be about 180 feet.

Deputy #1 continued in his incident report, writing: “[NE#1] requested that if I was able to use discretion and just report the crime and not arrest [CM#1], he would be okay with that outcome.” Deputy #1 documented informing NE#1 that, “if we were successful in locating and contacting [CM#1], per Washington state law it would be a mandatory arrest.” Deputy #1 wrote that NE#1 told him he understood and was employed in law enforcement. Deputy #1 wrote this was “new information” to him, prompting Deputy #1 to ask where NE#1 worked. NE#1 replied he was an Assistant Chief for the Seattle Police. Deputy #1 wrote, “This surprised me greatly, since he should know the mandatory DV arrest laws in this state that have been in existence for many years and therefore to ask me to not arrest the suspect would be a violation of state law.”

Deputy #1 documented contacting a supervisor, who asked Deputy #1 to determine if CM#1 was also in law enforcement. Deputy #1 wrote he called NE#1 back and, during that call, “[NE#1] again requested that I use discretion on the arrest and asked if maybe I could say that [CM#1] was outside 1000ft to prevent [CM#1] from being arrested. I told [NE#1] I would not violate state law and asked why he would ask me to do that and he told me he wasn’t asking, but it would be better for him if she wasn’t arrested.”

OPA interviewed Deputy #1 twice. His statements to OPA were consistent with his incident report. Deputy #1 described being irritated by NE#1’s request to lie on a police report.

In his second interview, Deputy #1 also described the “pre-academy FTO” stage in the PCSO hiring pipeline. Deputy #1 stated this phase was an opportunity for new recruits to observe the job prior to attending the academy. Deputy #1 stated, in this phase, he would have little influence over Deputy #2’s career, as the assumption would be that recruits would be fully evaluated after attending the state academy. Deputy #1 described the program as a “ride-along on steroids,” but noted pre-academy recruits were armed, equipped, and wrote their own reports. Deputy #1 stated



Deputy #2 had previous corrections experience and assessed Deputy #2's report writing ability was above average. Deputy #1 stated he would have reviewed Deputy #2's report for typographical errors, but noted Deputy #2's "depiction, or his narrative, was his story to tell, and he told it on his own."

2. Deputy #2

Deputy #2's incident report was broadly consistent with that of Deputy #1. Deputy #2 noted he overheard both phone calls between NE#1 and Deputy #1 as the calls were on speaker phone. Deputy #2 wrote that NE#1 told Deputy #1 that he believed CM#1 was "well within thousand feet from his residence, violating the condition of the protection order." Deputy #2 wrote that he heard NE#1 identify himself as an SPD Assistant Chief, and NE#1 asked Deputy #1, "multiple times that if he has a discretion to not arrest [CM#1]." Deputy #2 wrote Deputy #1 responded that, "due to the WA State Laws regarding domestic violence, he has not discretion in this incident, and it is a mandatory arrest if there is indeed a violation of a DV protection order." Deputy #2 then wrote the following:

I heard [NE#1] ask [Deputy #1] to put that [CM#1] was not within a thousand feet of his residence in [Deputy #1's] formal report, to prevent [CM#1] from being arrested.

OPA interviewed Deputy #2. Deputy #2's interview narrative was consistent with his police report. Deputy #2 described the "pre-academy FTO" program, noting this is not a period when the recruit is evaluated. Deputy #2 described this as a time for the recruits to observe, noting they would be evaluated in a separate FTO phase after completing the state academy. Deputy #2 noted he had prior experience as a security guard and was employed in corrections for about six months prior to being hired as a patrol deputy. Deputy #2 described Deputy #1 as having no input as to whether he progressed in the PCSO hiring process.

Deputy #2 provided the following specific narrative in his interview:

[NE#1] had asked if my FTO had the discretion on whether to just kind of report the incident but not make an arrest. And that's when my FTO had advised him that, unfortunately, or, you know, he cannot do that. This is part of the state law. It says, you know... [it] falls under mandatory arrest laws... it has to happen if the person's present. Then [NE#1] had asked to extend... what I remember was to see if my FTO could put in the report that [CM#1] was above 1000 feet of the incident in order to prevent an arrest. That's when my FTO was - at the time was [Deputy #1] - he said that he cannot do that. So that would be, you know, putting false information in his police report and breaking the law...

Although Deputy #2 noted he could not recall all the exact wording, Deputy #2 described his impression that NE#1 was explicitly asking Deputy #1 to write something that was not true on the report.

3. Named Employee #1

OPA interviewed NE#1, who stated he has worked for SPD for about thirty-seven years. NE#1 stated about four of these years were in patrol, including assignments as a patrol officer and sergeant. NE#1 stated he received domestic violence (DV) investigation training during his time at the state academy and possibly through SPD e-learning or



training bulletins.¹ NE#1 recalled making DV arrests during his career but did not recall any specific arrests for violating a protection order. NE#1 stated he was unsure whether there was any discretion to arrest for violation of a DV protection order but believed there could be based on the facts.

NE#1 described his relationship with CM#1 and obtaining the TPO. NE#1 said he did this after CM#1 attempted to kick in his door in December 2022. NE#1 stated he attended the court hearing two days prior to the incident and was aware CM#1 was prohibited from coming within one-thousand feet of him.

NE#1 described the incident, noting he first saw CM#1 drive by his house. He stated, "I saw [CM#1] drive by. And so, I went up to the road to see where she was going, and I wasn't that far from the road. I was maybe 20 feet from the road. And I walked up, and I saw that she had pulled into near, a gal by the name of [], I can't remember her last name, who is a few houses down from me." NE#1 described being concerned by CM#1's presence, but believing CM#1 may be less likely to do something "stupid" because he saw CM#1's grandson in the back of her car. NE#1 stated he wanted CM#1 to be arrested because she was escalating, and he wanted CM#1 to take the situation seriously. NE#1 also described calling the police due to his concern that CM#1 may put him in a position to defend himself, then accuse him of being an aggressor.

NE#1 recalled speaking to Deputy #1 on the phone. NE#1 stated he was feeling conflicted about calling the police as he wanted CM#1 to be held accountable, but also did not want CM#1's grandson to see CM#1 arrested. NE#1 was adamant that he only questioned if the deputies had discretion to arrest CM#1:

I did say...if there's any discretion, it's okay with me, you know, if you don't arrest her. Because I didn't know if there was any discretion, so I simply said exactly what I meant. The deputy that I was talking to on the phone had a very severe reaction to that.

NE#1 also noted he was unsure if CM#1 driving by his house would "count"² as he was not sure if the deputies needed to witness the offense. NE#1 stated, when Deputy #1 asked how far CM#1 was from him, he "threw out some numbers, but I didn't really know."

NE#1 elaborated on his discussion with Deputy #1:

I said, I don't know if it's 1000 feet, but you know, if it isn't, you don't arrest her that's fine with me. And [Deputy #1] goes, "I can't believe you would ask me to break the [law]." I was absolutely stunned at his reaction. I was literally taken aback by, you know, when you're talking to somebody, you have this reasonable expectation that you're communicating clearly. I think I speak relatively clearly, but he clearly interpreted something different. And I said, I'm not asking, I'm not asking that. I clarified, and I think he even says that in the report. I said, I'm not asking that at all. I just said, you know, it's fine with me either way, thinking that I'm the victim, so I might have a perspective or a vote in this. I was just offering that perspective, so I never asked anybody to lie. I never asked anybody to do anything unlawful. I would never

¹ NE#1's training record reflected that, prior to this incident, his most recent training on DV investigations occurred in 1995.

² OPA analyzed maps of NE#1's neighborhood. The neighborhood is a cul-de-sac. NE#1's home sits near the entrance of the cul-de-sac. It would be impossible to legally drive to any house in the neighborhood without passing within, at most, about 150 feet of NE#1's residence. The Neighbor's House is just under 300 feet from NE#1's residence.



do that. I genuinely had no idea of the, of the distance. I was clear that driving in front of my house was less than 1000 feet, but the rest of the distances I didn't know.

NE#1 again denied he was asking anyone to break the law, stating:

I was just saying if it's, if it's 1000 feet, you know, if it's over 1000 feet, I'm fine if she doesn't get arrested. Because I didn't know if, again, the, the fact that she drove by my house, I didn't know if that was going to be enough, if she if, if she was now currently outside of 1000 feet. I didn't know how far she was, and I, frankly, didn't know where she was at the time.

When asked about the statement that it would be “better for him” if CM#1 were not arrested, NE#1 stated this referred to his concerns that he did not want CM#1’s grandson to witness her being arrested.

NE#1 expressed doubt about Deputy #2’s report, noting his belief it would have been “highly influenced by his training officer’s perspective.” He continued:

a new officer is assigned with an FTO is so that the student officer can learn the perspectives from an experienced officer. In this particular case, in this specific example, I think the [Deputy #1] misinterpreted something, and so it's not unusual then, in that environment for the student officer to--it's likely that, because of the emotional response of the training officer that he extrapolated on that with the student officer, you know, off scene, or maybe, maybe between the time that we had their phone call and the time, I mean, I don't know when, but it was a pretty dramatic response, like it was really bizarre. I was taken aback by his response, because it wasn't at all consistent with what I was intending.

NE#1 denied asking either deputy to lie or do anything unlawful. NE#1 stated that it was a difficult personal time when he had “conflicting interests” between having CM#1 “go to jail,” versus the “impact to a nine-year-old boy who I had a significant investment in helping to raise, that’s what happened here.”

NE#1 also denied using his position or rank for personal gain, noting he only advised them because he is often armed and only told them his rank when specifically asked.

4. Aftermath

PCSO deputies, including Deputy #1 and Deputy #2, arrived on scene and spoke with NE#1. NE#1 first stated he did not want to give a statement, but later provided the following written statement: “I saw [CM#1] drive by my residence and park at the neighbor’s house.” NE#1 checked a box acknowledging the statement was made “under penalty of perjury,” signed, and dated the statement. Deputy #1 asked NE#1 whether there was a history of domestic violence between NE#1 and CM#1. NE#1 stated there was not.³

³ NE#1’s December 2022 petition for the TPO against CM#1 noted CM#1 punched and bit him during a 2017 incident. A separate PCSO police report noted NE#1 also reported CM#1 for destruction of property for allegedly damaging his house door in December 2022.



PCSO deputies then located CM#1 and her vehicle at the Neighbor's House—about three hundred feet from NE#1's residence—and arrested her for violating the TPO.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 - Standards and Duties, 5.001-POL-13. Employees Will Not Use Their Position or Authority for Personal Gain

SPD employees are prohibited from using their position or authority for personal gain. SPD Policy 5.001-POL-13.

NE#1, Deputy #1, and Deputy #2 all denied that NE#1 was attempting to use his position for personal gain. Deputy #1 noted that NE#1's requests were commonly made by members of the public, and NE#1 only provided his rank and status when asked. Although OPA ultimately finds NE#1's actions violated policy, *see Allegation #2 below*, the evidence does not suggest NE#1 attempted to leverage his high rank or status as a police officer in this instance.

OPA notes that Deputy #1 documented NE#1 saying, "it would be better for him if [CM#1] wasn't arrested." NE#1 did not deny making that remark but explained it referred to his desire that CM#1's grandson not see her being arrested. NE#1 described his relationship with CM#1's grandson and finds his actions were more consistent with feeling personally conflicted with CM#1 being placed physically under arrest than an attempt to use his position to inappropriately influence the interaction with Deputy #1. However, recognizing NE#1's high rank within the "largest Municipal law enforcement agency in Washington State,"⁴ OPA cautions NE#1 to be cognizant of how he presents himself in personal interactions with law enforcement.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 5.001-POL-13 with NE#1, and provide any further retraining and counseling that it deems appropriate. Any retraining and counseling should be documented in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 engaged in conduct that undermines public trust by asking Deputy #1 to falsify a police report and refrain from making an arrest required by law.

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

OPA recommends this allegation be Sustained.

⁴ Department Fact Sheet, available at <https://www.seattle.gov/police/about-us/about-the-department/departments-fact-sheet#:~:text=The%20Seattle%20Police%20Department%20is,enforcement%20agency%20in%20Washington%20State.>



Even accepting NE#1's version of events, NE#1 doubling down on what he characterized as a "qualified question" to Deputy #1 was inappropriate. During the first phone call, Deputy #1 made it explicit that, if CM#1 were located, he had no discretion: he was required by law to arrest her. NE#1 stated he had no recollection of Deputy #1 saying this, but did not doubt it was said. At this point, regardless of his prior knowledge, he was on notice of Washington State's mandatory arrest laws. See RCW 10.31.100(2)(a). Continuing to press a "qualified question" during the second phone call—when it was clear the qualifying discretion did not exist—was not appropriate.

Unfortunately, OPA is hard pressed to credit NE#1's version of events. NE#1 called 911 and, beyond dispute, reported that CM#1 was visiting "someone she knows" and "but is violating order." NE#1 reported CM#1 "drove past his house" and was "within 300 feet of his house." NE#1 was clearly aware of the terms of the order—renewed in court with him present two days prior—and that CM#1's actions violated it. Two sworn law enforcement officers then documented, in detail, NE#1 repeatedly requesting they use discretion in the arrest and, most troubling, writing in their reports that CM#1 was outside the one-thousand-foot radius to prevent CM#1 from being arrested.

OPA has no reason to reasonably doubt the official statements of Deputy #1 and Deputy #2. These were documented contemporaneously with the incident and made under penalty of perjury. No evidence suggested either deputy had a motive to lie or exaggerate these statements, and their statements to OPA were consistent with their written reports. In fact, Deputy #1 described his irritation at being put in a difficult position by NE#1's request. NE#1 suggested Deputy #1 misunderstood him and became unreasonably upset. NE#1 stated he was "taken aback" by Deputy #1's reaction. Were that the case, its remarkable NE#1 would make the same request during the second phone call, nor did NE#1 attempt to clarify the misunderstanding when the deputies arrived on scene. Similarly, Deputy #1's recollection was consistent with Deputy #2. NE#1 suggested that Deputy #2 was "highly influenced" by Deputy #1, given Deputy #2's status as a recruit. But both deputies refuted this, noting specifically that Deputy #2 already had some experience in law enforcement and was not being evaluated by Deputy #1.

OPA is also skeptical that NE#1 could have been under any misunderstanding that CM#1 was within one-thousand feet of him and his residence. NE#1 saw CM#1 drive by his house, reported this to 911, and noted she was at the Neighbor's House about 300 feet away. NE#1's "guestimate" of three hundred feet was both remarkably accurate and nowhere near the actual one-thousand-foot restriction.⁵ CM#1 violated the TPO, and it was not a close call.

NE#1 also expressed considerable confusion—both to the deputies and OPA—about Washington's mandatory arrest laws. OPA recognizes that NE#1 has not been assigned to patrol in decades but is skeptical NE#1 would be so unaware that violating a DV protection order would trigger a mandatory arrest under Washington State law. See RCW 10.31.100(2)(a). Although the parameters of such mandatory arrests have expanded over the years, a version of these requirements have been on the books since at least 1988, a year before NE#1 joined SPD. See Ch. 190, WASHINGTON LAWS, 1988, Engrossed Senate Bill No. 6705 (mandating arrest where officer had probable cause to believe a suspect violated an order issued under then-chapter 26.50 RCW "excluding a person from a residence").⁶ Specific language mandating an arrest for violating an order "prohibiting the person from knowingly coming within...a

⁵ Depending on how one measures the distance between the houses, they may have been even closer. Deputy #1 used Google Maps to estimate the distance from the closest edges of the houses as about one hundred eighty feet.

⁶ Available at <https://leg.wa.gov/CodeReviser/documents/sessionlaw/1988c190.pdf?cite=1988%20c%20190%20s%201>.



specified distance of a location,” was added in 2000. *See* Ch. 119, WASHINGTON LAWS, 2000, Engrossed Second Substitute Senate Bill 6400.⁷ *See also* SPD Policy 15.400 – Domestic Violence Court Orders (effective date 04/01/2017).

Finally, NE#1 suggested that his “qualified question” to the deputies also hinged on uncertainty as to if or where, specifically, the deputies would locate CM#1. NE#1 stated: “I didn’t know where...where he would find [CM#1], and whether or not she would be within 1000 feet or outside 1000 feet whenever she was eventually contacted.” OPA finds this explanation improbable. Due to the layout of NE#1’s neighborhood, there was no legal way for CM#1 to drive into NE#1’s neighborhood or be inside any home on his cul-de-sac without violating the TPO. Had the deputies located CM#1 anywhere in the neighborhood, they were required to arrest her. But more importantly, NE#1 specifically indicated CM#1 was at the Neighbor’s House about three hundred feet away. Obviously, this was the first location the deputies were going to check and, had CM#1 not been present, no arrest would be made. The deputies were not going to canvass the entire neighborhood searching for CM#1.

Weighing the evidence in this case, OPA credits the recollections of Deputy #1 and Deputy #2. OPA finds that NE#1 sought to report CM#1’s TPO violation but, when confronted with the deputies’ lack of discretion, suggested to Deputy #1 that he could misrepresent CM#1’s distance from him and his residence to avoid the mandatory arrest.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

⁷ Available at <https://lawfilesexternal.wa.gov/biennium/1999-00/Pdf/Bills/Session%20Laws/Senate/6400-S2.SL.pdf?cite=2000%20c%20119%20s%204>.