


Issued Date: March 3, 2026

From: Deputy Director Nelson R. Leese (on behalf of Director Bonnie J. Glenn)
Office of Police Accountability 

Case Number: 2021OPA-0491

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 7.060 - Releasing Evidence 7.060-POL 1. Employees Respond to Requests to Release Property and Evidence Eff. 2/19/14
Finding: Not Sustained - Unfounded
 - 2. Allegation #2:** 7.050 - Checking Out Evidence For Court 7.050-PRO-1-Checking Out Evidence for Court Eff. 2/19/14
Finding: Allegation Removed
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Named Employee #2

- 1. Allegation #1:** 6.010 - Arrests 6.010-POL 3. Officers Shall Advise All Arrestee of Their Full Miranda Rights Eff. 02/01/2016
Finding: Not Sustained - Lawful and Proper
 - 2. Allegation #2:** 6.150 - Advising Persons of Right to Counsel and Miranda 6.150-POL 1. Officers Will Advise All Arrestees of Their Full Miranda Rights Eff. 01/01/2019
Finding: Allegation Removed
 - 3. Allegation #3:** 5.001 - Standards and Duties 5.001-POL 10. Employees Shall Strive to be Professional Eff. 03/01/2018
Finding: Not Sustained - Inconclusive
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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:

On January 19, 2019, the Complainant was outside the West Precinct with a realistic looking BB gun, attempting to get officers to shoot him. Multiple officers responded, and after applications of a 40mm and taser, Complainant was taken into custody for an Involuntary Commitment and was placed in restraints in an ambulance to be transported to a medical facility for mental health evaluation. While in the ambulance, Complainant was questioned by NE#2 who informed him that he was being taken to a hospital. NE#2 left the ambulance. Shortly thereafter, a decision was made to arrest the Complainant. NE#2 returned to inform Complainant that he has being arrested and read Complainant his Miranda rights. The Complainant alleged that NE#2 restrained him prior to an ambulance transport to a level that made the detention equal to an arrest and failed to properly give Miranda warnings to him as would be required with that level of restraint. The Complainant also alleged that SPD may not have provided the video to King County Prosecuting Attorney's Office when requested.

Administrative Note:

On April 2, 2025, OIG certified OPA's investigation as thorough and objective, but because it was completed outside of the 180-day deadline, it was not timely. OPA respectfully disagreed with that determination as NE#1 is a civilian employee and NE#2 was on extended leave and then separated from the department. As such, no contractual 180 day timeline applied to this case. See OPA Manual 7.3(A)(i) and 7.4.

Summary of the Investigation:

OPA reviewed all relevant information and evidence available including, but not limited to investigation reports, transcripts of BWVs, records supporting sharing of BWVs with the King County Prosecutor's Office, and the interview of NE#1. OPA was not able to conduct a follow-up interview or otherwise clarify any issues with the Complainant who did not respond to any known methods of making contact.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

7.060 – Releasing Evidence 7.060-POL 1. Employees Respond to Requests to Release Property and Evidence Eff. 2/19/14

The Complainant alleged that SPD employees may not have properly recorded this incident on BWV, or if they were recording, SPD may not have provided the video to King County Prosecuting Attorney's Office (KCPAO) when requested.

On the date of this incident, SPD policy required employees to respond to requests to release property and evidence. SPD Policy 7.060-POL-1 (eff. 2/19/14).

In its investigation, OPA found that all of the SPD officers responding to the incident in question wore and used BWVs in accordance with SPD policy, and those recordings were properly retained. In sharing the recordings with KCPAO, OPA discovered that some videos had been released but others had not. NE#1 could not think of any reason some videos were not released. NE#1 stated that after releasing videos, it is her practice to send a follow up email asking the recipient to contact her if they believe anything is missing. If they do, the request is resubmitted and documentation of it is attached to the case file. If the prosecutor or requesting Detective does not receive all the indicated videos, they will contact her unit and re-request them. This request would be documented in the case file. In this case, no such documentation appeared to exist. The Prosecutor's Office was either unaware that some of the videos had not been released or determined they did not need them. In this case, NE#1 said she did not knowingly restrict the release of any videos. Here, it appeared NE#1 did respond to the request to release property. Even if her response was incomplete, she described her habitual practice of following up with requestors to ensure they did not need anything else. Here, NE#1 did not appear to have received a request for additional information.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

7.050 – Checking Out Evidence For Court 7.050-PRO-1-Checking Out Evidence for Court Eff. 2/19/14

The Complainant alleged that NE#1 The Complainant alleged that SPD employees may not have properly recorded this incident on BWV, or if they were recording, SPD may not have provided the video to King County Prosecuting Attorney's Office (KCPAO) when requested.

On the date of this incident, SPD Policy provided a procedure for employees checking out evidence for court. SPD Procedure 7.050-PRO-1 (eff. 2/19/14)

OPA finds that this allegation is largely duplicative of Named Employee #1, Allegation #1.

Accordingly, OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 – Allegation #1

6.010 – Arrests 6.010-POL 3. Officers Shall Advise All Arrestee of Their Full Miranda Rights Eff. 02/01/2016

The Complainant alleged that NE#2 restrained him prior to an ambulance transport to a level that made the detention equal to an arrest and failed to properly give Miranda warnings to him as would be required with that level of restraint.

SPD Policy 6.010-POL-3 requires that arrestees be read their Miranda warnings “as soon as practical” after being taken into custody.

When NE#2 was under the belief that Complainant would be involuntarily transported to the hospital for treatment, he questioned Complainant about his motivations leading to the incident in which he was restrained for transport. After conferring with other SPD employees and determining that he would be placed under arrest, NE#2 returned to give inform Complainant of a change to arrest and immediately provide Miranda warnings. The transcript describing both interactions were captured on the BWV of NE#2.

Here, the rationale for NE#2’s initial questioning of the Complainant was not related to evidence gathering, but concerned the Complainant’s mental health prior to an ITA. Thereafter, it was determined the Complainant would be arrested. On review, none of the information NE#2 gathered while questioning the Complainant appeared to have been used to determine an arrest would be made. Thereafter, NE#2 informed the Complainant of his Miranda rights “as soon as practical” after it was determined the Complainant would be arrested.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained – Lawful and Proper**

Named Employee #2 – Allegation #2

6.150 – Advising Persons of Right to Counsel and Miranda 6.150-POL 1. Officers Will Advise All Arrestees of Their Full Miranda Rights Eff. 01/01/2019

OPA determined this allegation is duplicative of Named Employee #2, Allegation #1. Accordingly, OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 – Allegation #3

5.001 – Standards and Duties 5.001-POL 10. Employees Shall Strive to be Professional Eff. 03/01/2018

The Complainant alleged that NE#2 lied to the complainant when NE#2 told him he had sent him to the hospital before.

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 searched the complainant’s history, and while it located multiple prior “crisis” incidents, was unable to find any record of the NE#2 being involved with another involuntary commitment of the complainant. NE#2 was on extended leave and then separated from SPD prior to being interviewed for this case. NE#2 did not submit to a voluntary interview. Accordingly, OPA is unable to reach any conclusions as to the basis for NE#2’s statements about prior interactions with the Complainant.

Accordingly, OPA recommends that this allegation be Not Sustained—Inconclusive.

Recommended Finding: **Not Sustained – Inconclusive**