



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 5, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0282

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	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:

The Complainant was previously married to Named Employee #1 (NE#1). The two have a child in common, Community Member #1 (CM#1). The Complainant alleged that, on August 29, 2022, NE#1 strangled CM#1.

ADMINISTRATIVE NOTE:

On December 12, 2024, the Office of Inspector General (OIG) certified this investigation as objective and thorough. OIG declined to certify this investigation as timely because the investigation was submitted for review on November 5, 2024, after the 180-day investigation period expired on August 29, 2023.

OPA acknowledges the untimeliness of this investigation. In a short window of time, the Complainant filed multiple reports against NE#1 with both police and sheriff departments concerning three different incidents. These reports triggered multiple OPA cases, which were tolled during the criminal processes.¹ OPA miscalculated the tolling provisions in this case. Although untimely, OPA would not have recommended sustained findings in this case.

SUMMARY OF INVESTIGATION:

An SPD supervisor reported to OPA that the Snohomish County Sheriff's Office (SCSO) opened a criminal investigation into NE#1. The SCSO investigation concerned the Complainant's allegation that NE#1 strangled CM#1. SCSO informed the SPD supervisor that no probable cause existed for NE#1 at that time, but the incident was an "active investigation."

¹ 2022OPA-0278; 2022OPA-0282; 2023OPA-0034.



Snohomish County Sheriff's Office Investigation

OPA reviewed the SCSO criminal investigation written by SCSO Detective #1.² Detective #1 documented the Complainant reporting that NE#1 "grabbed the back of [CM#1's] neck and drug him into the house," causing CM#1 pain and difficulty breathing. The Complainant did not report witnessing the incident. A child forensic interview was scheduled for CM#1.

Detective #1 also conducted an audio- and video-recorded interview with NE#1. NE#1 described the parenting plan between himself and the Complainant for CM#1, their child in common. NE#1 said that when CM#1 came over, Community Member #2 (CM#2)—the Complainant's older child from another relationship—also came. On the date of the incident, NE#1 described returning to his home with CM#1 and CM#2. NE#1 said the two children were in the backyard and he was concerned CM#1 may run away. NE#1 said he saw the Complainant pull her vehicle up towards his home, and both CM#1 and CM#2 tried to exit through an RV gate. NE#1 said he did not allow CM#1 to leave because he had custody on that date, but he allowed CM#2 to leave because he had no custodial rights to CM#2. NE#1 described placing his hand on CM#1's upper back and neck to escort him into the house. NE#1 then called SCSO deputies because the Complainant would not leave. NE#1 allowed SCSO deputies to check on CM#1 to dispel the Complainant's concern for CM#1's wellbeing. NE#1 said he later heard CM#1 tell the Complainant over the phone that NE#1 had "choked" him, which NE#1 said was not true.

Detective #1 had NE#1 demonstrate how he grabbed CM#1 on a dummy. Detective #1 wrote that NE#1 demonstrated placing his hand on the back of the neck. Detective #1 wrote that this was consistent with what CM#1 described in the child forensic interview. Detective #1 wrote NE#1's hand positioning would not have restricted CM#1's blood or airflow.

Detective #1 wrote he did not believe there was probable cause for a crime but referred the case for prosecutorial review due to NE#1's status as a law enforcement officer.

Detective #1 concluded:

At this time, I do not believe that there is probable cause that a crime was committed. After a comprehensive and thorough investigation, I believe that the hold [NE#1] used on [CM#1] to get him inside the home was lawful and was not restrictive of [CM#1's] blood flow or airway. I am referring this case for prosecutorial review only because [CM#1] made statements indicating that he could not breathe. There is no evidence indicating that is the case and I believe that it is possible was either coached or overheard [the Complainant] stating that was what had happened.

Snohomish County Prosecuting Attorney's Office

The Snohomish County Prosecuting Attorney's Office declined to file charges in this case, writing: "Based on the information contained in the reports, we do not have sufficient evidence to file charges."

² OPA also reviewed a police report from a municipal police department. This incident was reported to both the municipal police department and SCSO due to jurisdictional confusion. SCSO investigated the incident after it was determined the incident occurred in their jurisdiction and not within the municipality.



Superior Court Records

NE#1 and the Complainant both filed petitions for protective orders against the other. OPA reviewed the court hearings concerning these petitions. After a hearing, the court granted an order protecting NE#1 from the Complainant. The court denied the Complainant's petition for a protective order.

The court found that the Complainant subjected NE#1 to domestic violence, including physical harm, bodily injury, and assault. The court also found the Complainant engaged in unlawful harassment and stalking. The court entered credibility findings, finding NE#1 to be credible and the Complainant not credible.

Concerning the August 29, 2022, incident, the Court found NE#1's version of events credible.

OPA Interviews

OPA made multiple attempts to contact the Complainant for an interview, but she did not respond. OPA also determined it would be inappropriate to reinterview CM#1, a minor, for an administrative investigation. OPA determined the need to interview CM#1 was significantly lessened because CM#1 was already interviewed by a trained Child Interview Specialist during the SCSO investigation.

OPA interviewed NE#1 on December 18, 2023. NE#1's OPA interview was consistent with his SCSO interview.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 violated public trust by strangling CM#1.

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. Additionally, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." Id.

This allegation is unfounded. Even reviewed by the low preponderance ("more likely than not") standard of proof, the evidence indicates NE#1 did not strangle CM#1 or behave inappropriately by returning CM#1 to his home. NE#1 had custody of CM#1 on the date of incident. Both NE#1 and CM#1 described NE#1 putting his hand on the back of CM#1's neck to return CM#1 to the home. OPA concurs with the analysis and conclusions of Detective #1, the SCPAO, and the Snohomish County Superior Court judge that NE#1's version of events is credible.

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

Recommended Finding: **Not Sustained – Unfounded**



Named Employee #1 – Allegation #2

5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged that NE#1 violated the law by strangling CM#1.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

For the reasons set forth above at Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**