



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 11, 2024

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0318

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Unfounded (Expedited)

Named Employee #4

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Unfounded (Expedited)



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:

Named Employees #1 through #4 (NE#1 through NE#4) responded to a domestic violence no-contact order (NCO) violation at the Complainant's house. The named employees arrested Community Member #1 (CM#1)—the Complainant's son—for allegedly violating the NCO. The Complainant alleged that a named employee pointed his gun at CM#1's head. The Complainant also alleged that a named employee entered her house without consent.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On August 28, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

At the time of this incident, SPD Interim Policy 8.300-POL-14(10) (Effective April 24, 2023) was in place. OPA misclassified this case under the numbering system for the former policy, SPD Policy 8.300-POL-12(9). The substantive language in these policies is the same.

SUMMARY OF INVESTIGATION:

On July 19, 2023, OPA received a complaint forwarded by the City of Seattle Customer Service Bureau. The Complainant expressed disappointment about police brutality, saying an officer pointed a gun at her son's head. The Complainant also said officers entered her house without consent and terrorized young children inside.

OPA opened an intake investigation, reviewing the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report, and Unsubstantiated Misconduct Screening (UMS) form. OPA could not reach the Complainant and CM#1 for an interview.

On July 16, 2023, at 4:38 PM, CAD call remarks noted, "[REPORTING PARTY'S] STEP DAUGHTER CALLED SAYING BOYF WAS BEING AGGRESSIVE, DAUGHTER DISCONNECTED BEFORE PROVIDING FURTHER, NOT ANSWERING NOW, HISTORY OF BOYF HAVING GUN." The call was coded as a domestic violence court order violation.

The named employees and Witness Supervisor #1 (WS#1)—a sergeant—responded to the location with their BWV activated. Collectively, BWV captured the following:

NE#1¹ and NE#2 arrived at a house and approached three community members on the driveway. NE#1 took Community Member #2 (CM#2)—CM#1's girlfriend—aside. NE#2 took Community Member #3 (CM#3)—CM#2's sister—aside. CM#2 said she was okay. CM#2 said her mother-in-law and grandchildren lived at the house, not CM#1.

¹ NE#1 wrote an incident report. NE#1 wrote that, before arriving, he had probable cause to arrest CM#1 for an NCO violation after he verified that order and determined both parties under the order—CM#1 and CM#2—were at the house.



CM#2 said she did not know where CM#1 was at, but they argued earlier. NE#1 asked about a mark on CM#2's neck. CM#2 replied that it was a hickey and denied CM#1 was aggressive with her. NE#1 verified the responding location as CM#1's address. NE#1 expressed concern about CM#2's safety and discussed the NCO with CM#2. During NE#1's conversation with CM#2, NE#2 spoke with CM#3. CM#3 said she went to the house out of concern for CM#2. The Complainant approached and said CM#1 was inside the house but had no weapons. NE#2 said officers responded because of the NCO, but the Complainant replied that CM#2 came to the house. The Complainant refused to allow officers to enter the house. NE#2 positioned himself at the corner of the house's rear.

CM#1 walked into the backyard. NE#2 drew his gun and pointed the muzzle of the gun towards the ground. NE#2 said, "Hey, police. Put your hands up. Put your hands up." NE#2 radioed that he had CM#1 in the backyard "at gunpoint." CM#1 ran towards the front of the house. NE#2 chased and yelled, "Stop! Police! I'm going to Tase you!" CM#1 ran onto the driveway. NE#1 and NE#4 grabbed CM#1 and pinned him against a car, then NE#2 and NE#3 quickly approached. The named employees handcuffed CM#1.

WS#1 responded to the house. The Complainant said an officer entered the house through the back door. A resident said he heard a gun clicking, believing an officer pulled the trigger, but denied seeing an officer inside the house.

NE#1 wrote an incident report consistent with the events captured on BWV. Additionally, WS#1 submitted a UMS form to OPA, writing that he investigated all allegations arising from this incident and found them to be unsubstantiated.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)

The Complainant alleged that an officer pointed a gun at CM#1's head.

Officers will document all incidents where they point a firearm at a person. SPD Interim Policy 8.300-POL-14(10) (effective April 24, 2023). Unholstering or displaying a firearm, including in a sul or low-ready position, without pointing it at a person is not reportable force. *Id.*

Here, BWV captured only NE#2 drawing his gun upon confronting CM#1. NE#1, NE#3, and NE#4 did not unholster their guns at any point during the incident.

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 – Allegation #2

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

The Complainant alleged that an officer entered her house without consent.



Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1).

Here, BWV showed that no named employee entered the Complainant's house at any point during the incident. NE#2 positioned himself at the corner of the house's rear but never entered the house.

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 – Allegation #1

8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)

The Complainant alleged that NE#2 pointed a gun at CM#1's head.

Here, BWV captured NE#2 drawing his gun upon seeing CM#1 and ordering CM#1 to put his hands up. At this point, NE#2 held his gun for a few seconds but pointed it towards the ground. NE#2 never aimed his gun at CM#1. Although NE#2 radioed that he had CM#1 in the backyard "at gunpoint," this phrase, according to WS#1, "is often used by officers to indicate that they have a firearm drawn but does not imply pointing."

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 – Allegation #2

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #3 – Allegation #1

8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**



Named Employee #3 – Allegation #2

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #4 – Allegation #1

8.300 – Use of Force Tools, 8.300-POL-14 Firearms, 10. Pointing a Firearm at a Person is a Type I Reportable Use of Force (Effective April 24, 2023)

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #4 – Allegation #2

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**