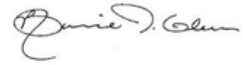

Issued Date: JULY 4, 2024

From: Deputy Director Bonnie Glenn on Behalf of Director Gino Betts, Jr.
Office of Police Accountability



Case Number: 2024OPA-0017

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation
Finding: Not Sustained - Lawful and Proper (Expedited)
- 2. Allegation #2:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded (Expedited)

Named Employee #2

- 1. Allegation #1:** 16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation
Finding: Not Sustained - Lawful and Proper (Expedited)
- 2. Allegation #2:** 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded (Expedited)

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:

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to the Complainant chained to a tree and threatening suicide by cop and determined that the Complainant should be detained under the Involuntary Treatment Act (ITA). The ITA provides that an officer may take into custody and deliver a person to a facility when the officer reasonably believes that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled. See RCW

71.05.153(2). The Complainant alleged that he was unlawfully detained and targeted based on his disability.

Administrative Note:

During its intake investigation, OPA identified that NE#2 submitted the Complainant's sword, collected for community caretaking, as evidence but failed to document a property release supplement. OPA sent NE#2's potential SPD Policy 7.010-POL-7 (Officers Submit Property Collected for Community Caretaking as Evidence) violation to her chain of command for Supervisor Action. Supervisor Action generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee's supervisor. See OPA Internal Operations and Training Manual section 5.4(B)(ii).

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 in this case.

On February 7, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On January 8, 2024, the Complainant left OPA two voicemails, saying that the City of Seattle, while bypassing other encampments, targeted him and told him to leave. The Complainant described his mental disabilities. The Complainant said he was chained to a tree because he refused to leave. The Complainant said SPD removed him and placed him in an ambulance where he was strapped because SPD untruthfully told ambulance personnel that he was dangerous and violent. The Complainant said SPD stole his sword.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report, and email correspondence. The Complainant elected to communicate with OPA via email.

BWV captured the following:

NE#1 responded to the scene. An officer told NE#1 that the site could not be cleared because the Complainant chained himself to a tree with a bicycle lock, wanted officers to shoot him, and said he had a sword. NE#1, NE#2, and multiple officers coordinated a plan to engage the Complainant. Officers approached the Complainant, who was chained to a tree. NE#1's incident report documented that as officers approached the Complainant, they saw a sword under a tarp, removed it for safety concerns, and submitted it as evidence. NE#1 said he wanted to help the Complainant but advised that the Complainant could not stay on the embankment. The Complainant expressed suicidal ideation and wanted officers to shoot him. NE#1 offered assistance, resources, and water. NE#1 stepped aside and told a sergeant that NE#1 believed the ITA criteria were met. The sergeant approved the detention. A social worker briefly engaged the Complainant but was removed when the Complainant continued expressing suicidal ideation.

NE#1 reapproached the Complainant and grabbed his arm. Two officers went behind the Complainant and handcuffed him. The Complainant again expressed suicidal ideation. NE#1 said officers were there to help him, not shoot him. Officers cut the chain and removed it. The social worker told the Complainant that SPD would take his property for safekeeping. The Complainant refused to stand, so NE#1 and three officers lifted the Complainant and carried him to a gurney. The Complainant was uncuffed, and American Medical Response (AMR) employees applied soft restraints on the Complainant. AMR employees transported the Complainant to a hospital.

NE#1's incident report was consistent with BWV observations.

The Complainant's emails to OPA were consistent with his verbal OPA complaint. The Complainant wrote that officers stole his sword without reason, even though no crime was committed. The Complainant also wrote that officers untruthfully told hospital staff that he was violent and dangerous, causing hospital staff to secure him in restraints.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation

The Complainant alleged that the named employees unlawfully detained him under the ITA.

When referring a subject for an involuntary behavioral health evaluation, an officer must determine that the subject may be eligible for evaluation, determine that the subject meets the involuntary behavioral health evaluation criteria pursuant to RCW 71.05.153(2), and screen the incident with a sergeant. SPD Policy 16.110-PRO-1. The sergeant must review the incident and advise the officer whether to order the evaluation. *Id.*

The named employees properly detained the Complainant under the ITA. First, there was reason to believe that the Complainant suffered from a behavioral health disorder, evidenced by his refusal to leave an embankment by chaining himself to a tree and his repeated statements of self harm. Second, the Complainant presented an imminent danger to himself by expressing suicidal ideation and repeatedly requesting that officers shoot him. NE#1 screened the incident with a sergeant, who approved the detention.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #1 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that the named employees targeted him based on his disability status.

Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatment based on disability status. See *id.* Employees are forbidden from making decisions or taking actions influenced by bias, prejudice, or discriminatory intent. See SPD Policy 5.140-POL-2.

NE#1 showed compassion during his interaction with the Complainant and repeatedly offered help or resources. Although the Complainant felt targeted, the named employees responded because the Seattle Department of Transportation, not SPD, could not clear the embankment because the Complainant refused to leave. Additionally, NE#1 alerted hospital staff that the Complainant was dangerous based on the Complainant’s repeated statements of self harm and wanting officers to shoot him. Finally, the Complainant’s sword was seized as evidence because city ordinance prohibited possession of a dangerous knife. See Seattle Municipal Code 12A.14.080(B) (prohibiting a person from knowingly carrying, concealed or unconcealed, any dangerous knife). Therefore, based on the evidence provided, OPA does not find bias-based mistreatment.

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

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

Named Employee #2 – Allegation #1

16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation

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

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #2 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

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