



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 17, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS, JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0150

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation	Not Sustained - Lawful and Proper (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 Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to the Complainant in crisis and detained him under the Involuntary Treatment Act (ITA).¹ The Complainant alleged that the named employees improperly detained him under the ITA.

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 in this case.

On April 25, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On March 22, 2024, the Complainant filed an OPA complaint, writing that he was experiencing anxiety and shortness of breath when SPD officers arrived but refused to treat him. The Complainant wrote that the officers improperly handcuffed him and transported him to a hospital based on his mental health condition.

¹ The ITA permits an officer to 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).



OPA investigated the complaint by reviewing body-worn video (BWV) and the behavioral crisis report. The Complainant did not respond to OPA's request for an interview.

BWV captured the following:

While outside, NE#1 approached Community Member #1 (CM#1)—the Complainant's wife—who appeared to have been crying and distressed and said the Complainant behaved erratically, had not slept for seventeen days, and threatened self-harm. CM#1 said she was scared of the Complainant. NE#1 approached the Complainant, who spoke incoherently about guns, politics, and God.² The Complainant rejected NE#1's offer to help him, telling NE#1 to leave. The Complainant threatened to shoot NE#1. NE#1 asked whether the Complainant considered harming himself, and he replied, "I'll die when I'm dead." The Complainant ended contact with NE#1 and entered his apartment.

NE#1 reapproached CM#1, telling her about the circumstances for an ITA detainment. CM#1 began crying and pleaded with NE#1 about transporting the Complainant to a hospital because she was fearful for her life. CM#1 said the Complainant would kill her, citing his lack of sleep for 17 days and escalating aggression. CM#1 said she left the apartment because she was afraid of the Complainant hurting her. NE#1 said he would transport the Complainant to a hospital.

The named employees entered the apartment with permission of CM#1, and NE#2 handcuffed the Complainant. The named employees escorted the Complainant outside to meet with American Medical Response (AMR) staff who transferred the Complainant onto a gurney. While AMR staff were attempting to finalize restraints, the Complainant made several comments of, "I can't breathe" and "You're killing black people". The Complainant was offered oxygen at the scene after those comments. NE#1 completed the emergency evaluation form and behavioral crisis report and submitted them to AMR prior to transporting the Complainant to a hospital for further mental health evaluation. The incident and ITA were screened with WS#1.

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

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 improperly 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.*

Here, NE#1 interviewed CM#1, who expressed concern about the Complainant's behavior. CM#1 said the Complainant was suicidal, threatened to harm her, and became increasingly aggressive. CM#1 was terrified about returning to her

² NE#1's behavioral crisis report described the Complainant's discussion as a "rant" and "rave." During the rant and rave he mentioned killing the police if they came back for him and several references to hospitals being for money and killing people. Also, he asked, "who would be killed next when they ran out of people."



apartment. During the Complainant's interview, the Complainant appeared to be in crisis, threatened to shoot NE#1, and declined any assistance. Under these circumstances, the named employees had sufficient cause to detain the Complainant under the ITA because he posed an imminent threat of serious harm to CM#1 and himself. NE#1 documented in his behavioral crisis report that he screened the ITA detainment with a sergeant. Overall, a preponderance of the evidence supports the named employees' decision to detain the Complainant under the ITA.

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

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