



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 30, 2024

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

CASE NUMBER: 2024OPA-0171

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 - Using force, 8.200-POL 1. Use of force: When Authorized	Not Sustained - Unfounded (Expedited)
# 2	7.010 - Submitting Evidence, 7.010-POL 1. Employees Secure Collected Evidence	Not Sustained - Unfounded (Expedited)
# 3	6.181 - Performing Inventory Searches, 6.181-POL 3. Vehicle Inventory Searches Do Not Include the Trunk, Closed Containers, or Locked Vehicles	Not Sustained - Lawful and Proper

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 alleged Named Employee #1 (NE#1) may have tased her with her own Taser and used excessive force against her. Also, the Complainant alleged NE#1 took her cellphone from the scene and removed a locked safe from her vehicle and opened it.

ADMINISTRATIVE NOTE:

Allegation one, for use of force, and allegation two, for submitting and collecting evidence against NE#1, were 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 NE#1. As such, OPA did not interview NE#1 in this case. On May 14, 2024, OIG certified OPA's expedited investigation as thorough, timely, and objective.

Allegation three, for performing inventory searches, underwent a full investigation. On September 30, 2024, OIG certified OPA's full investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On April 3, 2024, the Complainant filed an OPA Complaint regarding an incident that occurred on September 21, 2022. The Complainant stated she was parked outside [a restaurant depot] in Seattle when an unknown officer parked behind her vehicle and walked up to the passenger window. The Complainant alleged she rolled down the window



and spoke with him. The Complainant stated, “from that point, I completely blacked out until I was being strapped to the hospital bed at [a hospital] in downtown Seattle around 5:40 am on 9/21/22.”

The Complainant stated she requested body-worn video (BWV) and all records pertaining to that day. The Complainant alleged Named Employee #1 (NE#1) may have tased her with her own Taser and used excessive force against her. Also, the Complainant alleged NE#1 took her black android cellphone from the scene and did not return it. Additionally, the Complainant alleged NE#1 removed her biometric locked safe from her vehicle and damaged it when opening it without permission. Furthermore, the Complainant explained in review of BWV, the officers claimed she had a concealed weapons permit and a Ruger .45 pistol in her name. The Complainant stated, this was not correct, because she has not had gun rights since a mental health involuntary commitment (ITA) in February of 2021 in King County. The Complainant stated she was first found on Harbor Island and found naked throwing wine bottles and had photos of bruises all over her body. The Complainant wants to find out what happened to her from the time Custom Border Patrol (CBP) officers arrived, until the time SPD arrived, and until the time she was taken to a hospital for an involuntary treatment hold (ITA).¹

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, incident report and behavioral crisis report, body-worn video (BWV), photos, SPD Safekeeping Tag and OPA Interviews.

B. Computer-Aided Dispatch (CAD) Call Report

On September 21, 2022, at 3:29 AM, Remarks: “NUDE FEMALE WITH BOTTLES OF ALCOHOL IN A VEH[ICLE]” was coded into CAD. Description: “WF, L20’s, Thin, Long Blond Hair, DK Gry shirt, no bottoms”. Vehicle: Chevrolet Cruze 4DR Automobile, blue. “FEMALE IS DRINKING WINE.” “FEMALE SOUNDS VERY INTOX[ICATED].” “SHE JUST THREW BOTTLES OUT OF THE VEH[ICLE] AND IS NOW OUT OF THE VEH...ONLY HAS A SHIRT ON, NO UNDERWEAR.”

C. Body-Worn Video (BWV)

NE#1 activated his BWV and located the Complainant in the passenger seat with her door open. NE#1 stated to the Complainant that his BWV was on and was recording. NE#1 talked to her through the open door. There was glass on the sidewalk and on the street near the area where her car door was open. NE#1 began talking to CBP officers who explained she was naked originally, had put on some bottoms, and was now seated in the car. CBP officers explained that they found a taser down below in the seat and a cartridge and that they found her purse outside of the car and there was ID to identify her. Also, they found a gun safe. The Complainant said she did not drive there but got there by a friend. The Complainant said she lived in Snohomish County. The officers discussed that they did not have evidence to show she drove there for an arrest for a DUI. The Complainant grabbed an open wine bottle in the car and was told to put it down. The Complainant stated she didn’t want to go to the hospital and had plenty of friends or family to pick her up. She also said that everyone in the car would have to go to jail; however, there was no one else in the car. The Complainant said she was fine; however, she had slurred speech. NE#1 said he had concerns that she could not take care of herself. Officers stated she would have to go to the hospital if she could not provide a name of someone to assist her and move her car. The Complainant began to cry and said, “it doesn’t matter” and appeared in distress. Officers ran her name and found a CPL for the Complainant for a Ruger gun. BWV shows the NE#1 helping

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).



the Complainant find her cellphone on the bottom front passenger floor and that she had it in her hand. The Complainant tells NE#1 she wants to keep her phone and does not want it to go in her purse. The Complainant is placed on a gurney for transport and another officer takes her phone and states they are going to put it in her purse for her while she is on the gurney.



The Complainant Holding Her Phone In Her Hand Prior To Being Placed On The Gurney With AMR. (see red arrow).

D. Incident Report and Behavioral Crisis Report

NE#1 was the primary officer and completed an incident report. NE#1 stated, on September 21, 2022, at approximately 0349, he was working SPD uniform patrol in a fully marked patrol vehicle, as unit [X]. NE#1 was dispatched to a call regarding a DUI. CAD note: "NUDE FEMALE WITH BOTTLES OF ALCOHOL IN A VEH." Prior to NE#1's arrival, Customs and Border Protection Officers (CBP) contacted the Complainant. The CBP officers had observed the Complainant stopped in a "no park zone and standing partially in the street." They witnessed the Complainant in the front passenger seat of her vehicle, "throwing empty wine bottles onto the sidewalk". The Complainant was fully nude at that time, exited her vehicle and walked into the street. After approaching the Complainant, she got back into the passenger seat of her car and began drinking from another wine bottle. The CBP officers removed the keys from the ignition of the vehicle. While doing so, they observed an "X26 Taser and a gun safe" in the vehicle. The CBP officers asked the Complainant to put clothes on, which she then did. The CBP officers asked the Complainant if she was hurt or assaulted in any manner, and she said she was not.

NE#1 arrived on scene and contacted the Complainant. NE#1 smelled alcohol on her breath and her speech was disorganized. The Complainant also was slurring her words. NE#1 saw two empty wine bottles outside of her vehicle, and one half-empty bottle in her cupholder. The Complainant admitted to taking medications but was unable to say what those medications were. NE#1 stated the Complainant was confused about why he was speaking with her. The Complainant was not able to tell NE#1 where she was; however, she stated she did not drive there. The Complainant



stated, “a friend brought her”. The Complainant was not able to tell NE#1 who her friend was, how she got there, or what she was doing prior to NE#1 contacting her.

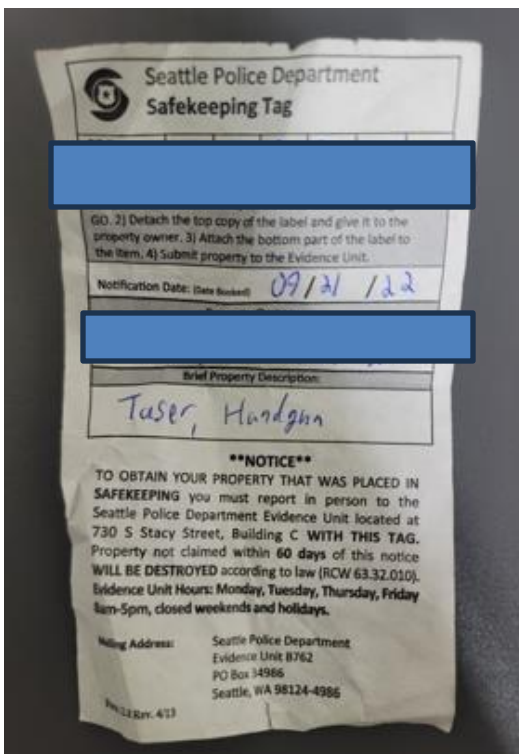
NE#1 stated, the Complainant then continuously attempted to get out of the passenger seat of the vehicle and wanted to leave. The Complainant was not wearing shoes and there was broken glass covering the street/sidewalk outside of her vehicle. NE#1 articulated to her that she did not seem to comprehend the risk of hurting herself. NE#1 recalled that the Complainant repeatedly tried to close her vehicle door but was not able to. NE#1 did not believe she was in a state to care for herself, that she was unfit to drive, and that her vehicle could not remain where it stood. NE#1 did not believe the Complainant comprehended what he was telling her. NE#1 attempted to contact a friend or family member of the Complainant, but she refused to contact anyone or provide any contact information. Witness Officer #1 (WO#1) attempted to find emergency contact information within SPD databases but was unable to do so. NE#1 stated the Complainant was in a busy, isolated area of an industrial district, in a poorly lit section of the street. Additionally, she appeared significantly intoxicated, had on little clothing, and was found in possession of a taser and potentially a firearm. NE#1 believed that “if left alone, [the Complainant] would be a danger to herself.”



Vehicle Complainant was found by NE#1

NE#1 decided, based on the totality of the circumstances, it was necessary for the Complainant to undergo an Involuntary Evaluation and requested American Medical Response (AMR) to respond to the scene for transport. An AMR unit arrived and NE#1 provided them with a completed SPD Emergent Evaluation Card. AMR transported the Complainant to a hospital in downtown Seattle.

The Complainant’s vehicle was towed from the scene by a [towing company]. The Complainant’s taser and firearm safe were secured, and later submitted to evidence for safekeeping. NE#1 provided a tag for the Complainant to retrieve those items with her personal belongings.



Safekeeping Tag Placed Completed by NE#1 for the Complainant

NE#1 verified the Complainant had a current valid CPL and had a Ruger handgun registered to her name. Due to this, NE#1 believed it was likely for the gun safe to contain a handgun. NE#1 stated, prior to submitting the safe into evidence, any potential firearm inside needed to be made safe. NE#1 stated, he was not able to obtain a key or combination code from the Complainant. NE#1 forced open the safe just enough to examine the contents. NE#1 was able to confirm the safe did not contain a firearm.

Prior to the AMR arriving, the Complainant provided a name of an ex-stepfather who lived in Florida. NE#1 was able to obtain a phone number with this information. A local name and number for the Complainant's grandfather was provided. NE#1 reached out to the Complainant's grandfather regarding the incident. NE#1 completed the incident report and a Behavioral Crisis report. Both reports were signed off on by Witness Supervisor #1 (WS#1).

A Vehicle / Property & Items Summary Described the Following:

- Car/ Chevrolet / Cruze / Blue (BLU)
- Handgun Safe (NO FIREARM). Containing misc. personal items: hard-drive, prescription meds, misc. papers, and jewelry/ Black (BLK).
- X26 Taser (Unfired) w/batter, 1 cartridge, and a holster / Black (BLK) & Yellow (YEL).



E. OPA Interview

Complainant

On or about April 9, 2024, the Complainant was interviewed by an OPA investigator. The OPA investigator found the Complainant polite and cooperative and stated her biggest concern was understanding why and how things happened. The Complainant stated she has never had a CPL but did own two firearms; however, her gun rights were withdrawn after an ITA prior to this incident. The Complainant did not understand how they found a CPL or why both guns did not come up. She said she did understand, once explained, why they would have opened the safe.

The Complainant was concerned about the loss of her cellphone. She believed the cellphone was in the safe. Also, she was concerned about whether she was tased. Furthermore, she stated, SPD was not the first officers who contacted her, but it was Custom and Border Patrol Agents who made first contact with her. The Complainant also stated it appeared officers were laughing about the taser on the BWV and she did not know why.

The Complainant stated she would forward any additional information to OPA and that she would be in in-patient treatment for 45 -90 days. The Complainant stated, the OPA investigator could leave her a message or email her. The Complainant stated, she would get back to the investigator as soon as possible.²

Named Employee #1

On April 9, 2024, OPA interviewed the Complainant solely for the third allegation, inventory searches, section three for closed containers or locked vehicles. NE#1 explained that there was a taser found in the vehicle and what appeared to be a gun style vehicle safe within reach. These items were recovered by the original officers, CBP, on scene. NE#1 stated, after running the Complainant's name, he received a return that showed the Complainant had a concealed pistol license (CPL) and a handgun registered to her name that would have fit inside of the safe.

NE#1 recalled the Complainant was "significantly inebriated". NE#1 stated, she was not able to articulate where she was, how she got there, or what she had been doing prior to his contact. NE#1 recalled asking the Complainant numerous questions and tried to find family to come assist with her situation. NE#1 believed he may have asked her if she had any type of firearm on her, but he could not recall if she was in a state to answer that question accurately.

NE#1 recalled locating the Complainant on Harbor Island in an industrial area where train tracks and commercial vehicles were around. NE#1 stated, Customs and Boarder Patrol located the Complainant. CBP located her naked in the street and she was throwing wine bottles over the street and sidewalk. NE#1 stated the vehicle was registered to her; however, no one observed her driving and she was in the passenger seat, so she was not arrested for DUI. NE#1 then indicated that he and other officers determined she was a danger to herself based on the circumstances, so she was involuntarily detained and sent to the hospital for an evaluation.

The Complainant's car was not left legally parked so NE#1 had to have the car impounded pursuant to SPD policy. NE#1 did an inventory search. He marked property that was located inside of the vehicle and ensured no hazardous items were inside of it. NE#1 stated he took the Taser and the gun safe. NE#1 stated he had experience and familiarity with gun safes. He said, "they are styled in a manner where they can be quickly unlocked." Also, that he believed this gun safe appeared to be for a handgun. NE#1 stated, the Complainant had a CPL. He thought it might be for a handgun.

² The Complainant had an inquiry regarding why the time on the BWV was incorrect. The OPA investigator explained that the time on the BWV was Greenwich Mean Time (GMT) and not Pacific Daylight Time (PDT).



NE#1 entered the taser into evidence for safekeeping after it was rendered safe. NE#1 believed, based on the evidence provided, that there was a firearm inside the safe. Here, NE#1 was not able to get a key or access code for the safe, the Complainant had a taser, and she had a CPL for a handgun. As such, NE#1 forced open the safe to ensure that there was or was not a firearm inside. NE#1 stated, he would not have left the gun safe in the car because there would be a risk of it going off when it's handled by the tow yard, or it might get stolen. NE#1 stated, "guns are inherently hazardous items that run risks of harming someone else."

NE#1 stated, he is aware of SPD's policy prohibiting entry into locked containers; however, he is familiar with the exception for hazardous items. NE#1 stated, no gun was found and that he believed he followed policy to ensure people are kept safe. NE#1 said, at the time of this incident he was a Field Training Officer (FTO) and that he had a supervisor with him 100 percent of the time during this call. NE#1 stated, his supervisor never indicated he did anything wrong that day.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

8.200 - Using force, 8.200-POL 1. Use of force: When Authorized

The Complainant alleged that NE#1 may have tased her with her own Taser and used excessive force against her.

An officer will use only the force objectively reasonable, necessary, and proportional to effectively bring an incident or person under control, while protecting the life and safety of all persons. In other words, officers will only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective. The force used must comply with federal and state law and Seattle Police Department policies, and rules for specific weapons and tools. See 8.300 - Use of Force Weapons and Tools. Once it is safe to do so and the threat has ended, the force must stop.

The Complainant stated she blacked out and could not recall what happened to her on the date of the incident. She believed that NE#1 may have tased her and caused the bruising she had on her body. The Complainant thought it may have been the prior federal CBP officers but was not sure. Here, in review of BWV, no force was used on the Complainant by NE#1. NE#1 responded to the call and found the Complainant in distress, severely intoxicated, not fully clothed, and not able to take care of herself. NE#1, with approval by a supervisor, assessed the Complainant be evaluated for an ITA and she was taken to the hospital. OPA finds, no force was used on the Complainant by NE#1.

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

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

Named Employee #1 - Allegation #2

7.010 - Submitting Evidence, 7.010-POL 1. Employees Secure Collected Evidence

The Complainant alleged that NE#1 took her cellphone from the scene and did not return it.



Employees will place evidence into the Evidence Unit or an authorized evidence storage area before they end their shift. Employees will not keep collected evidence for personal use. Employees will not disclose information about collected evidence outside of the criminal justice system without approval of the Chief of Police or their designee. Employees may refer to the Washington State Patrol Forensic Services Guide for proper evidence collection or contact the CSI Unit (phone #4-0972).

Here, there was no evidence in review of BWV or documentation that NE#1 failed to find the Complainant's phone and place it into evidence. NE#1 inventoried all other items and provided a safekeeping slip for them and had the vehicle towed based on his testimony and in review of BWV. Here, NE#1 helped the Complainant find her phone and gave it to her. The Complainant had her phone until she was placed on the gurney. An officer on BWV stated he would place her phone in her purse for her. OPA finds NE#1 did not fail to secure the Complainant's cellphone as evidence or fail to return it to her.

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

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

Named Employee #1 - Allegation #3

6.181 - Performing Inventory Searches, 6.181-POL 3. Vehicle Inventory Searches Do Not Include the Trunk, Closed Containers, or Locked Vehicles

The Complainant alleged that NE#1 removed a locked safe from her vehicle and opened it without her permission or a warrant.

When impounding a vehicle to a tow company's storage lot, officers may not enter or access the trunk or closed containers inside of the vehicle in an effort to perform an inventory search. Officers will list these closed containers as sealed units on the Vehicle Report or Custodial Property Summary. Officers will treat locked vehicles as a sealed unit. **Exception:** Officers may inventory closed containers or the trunk if there is a reasonable belief that items inside may pose a danger to the officer or police facility. Officers must be able to articulate supporting facts.

Here, NE#1 reasonably believed that the items inside the locked safe contained a gun. NE#1 verified the Complainant had a CPL, there was a taser in her vehicle, and the safe appeared to be a gun safe, based on NE#1's familiarity with these types of safes. Also, he believed there could be a loaded gun in the case and that it would pose a danger to the officer, police facility or the community if the gun would discharge. OPA finds, based on the evidence provided that NE#1 did not violate policy and met the requirement of the exception to open the safe.

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

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