



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 12, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0186

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 - Lawful and Proper

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 - Using force, 8.200-POL 1. Use of force: When Authorized	Not Sustained - Lawful and Proper

Named Employee #3

Allegation(s):		Director's Findings
# 1	8.200 - Using force, 8.200-POL 1. Use of force: When Authorized	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 named employees were assigned as the arrest team for an Internet Crimes Against Children (ICAC) undercover operation at a hotel. After the ICAC team developed probable cause to arrest Community Member #1 (CM#1), the named employees exited a hotel room to apprehend CM#1. CM#1 produced a firearm from his jacket. As Named Employee #3 (NE#3) grabbed CM#1's firearm, CM#1's firearm discharged. Named Employee #1 (NE#1) and Named Employee #2 (NE#2) shot CM#1 multiple times. CM#1 died at the scene. NE#2 sustained a minor injury from the gunfire.

Multiple community complainants alleged the named employees' use of force was excessive. Generally, the complainants alleged the use of deadly force, number of shots fired, close range, and timing of force modulation were not objectively reasonable, necessary, or proportional.

ADMINISTRATIVE NOTE:

On February 20, 2025, the Office of Inspector General certified this investigation as thorough, timely, and objective.



SUMMARY OF INVESTIGATION:

OPA investigated this complaint by reviewing the computer-aided dispatch (CAD) call report, incident report and supplements, and body-worn video (BWV). OPA responded to the scene on the date of the incident. OPA also reviewed the Force Investigation Team (FIT) investigation¹ and Force Review Board (FRB) findings. Finally, OPA interviewed the named employees and Witness Employee #1 (WE#1), a training sergeant overseeing SPD's firearm range.

A. Incident Summary

OPA finds that, more likely than not, the following occurred.

On April 17, 2024, the ICAC Task Force conducted a pre-planned undercover operation supported by SPD officers assigned to the Community Response Group (CRG), including the three named employees. CRG officers assisted with surveillance and security for the undercover operation at a local restaurant. The three named employees then staged at a nearby hotel as the designated arrest team. Based on the ongoing undercover operation, the ICAC Task Force developed probable cause to arrest CM#1 for investigation of Rape of a Child in the First Degree.²

The named employees were notified that they had probable cause to arrest CM#1. The named employees, in full SPD uniform, waited inside a pre-reserved hotel room for CM#1 to arrive. CM#1 knocked on the door, NE#1 looked through the peep hole, then turned and gave a "thumbs up" signal.



View from NE#3's BWV of NE#1 giving "thumbs up" signal

NE#1 opened the door. CM#1 could be seen with his right hand fully inside his jacket pocket.

¹ 2024FIT-0005.

² RCW 9A.44.073 ("A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old, and the perpetrator is at least twenty-four months older than the victim."). See also RCW 9A.28.020 (Criminal Attempt).



*CM#1's right arm and hand inside pocket, circled in red
NE#3 BWV timestamp 00:01:33*

Stepping through the door, NE#3 identified himself by name as "Officer [NE#3], Seattle..." While NE#3 was speaking, CM#1 drew a firearm from his jacket pocket with his right hand.

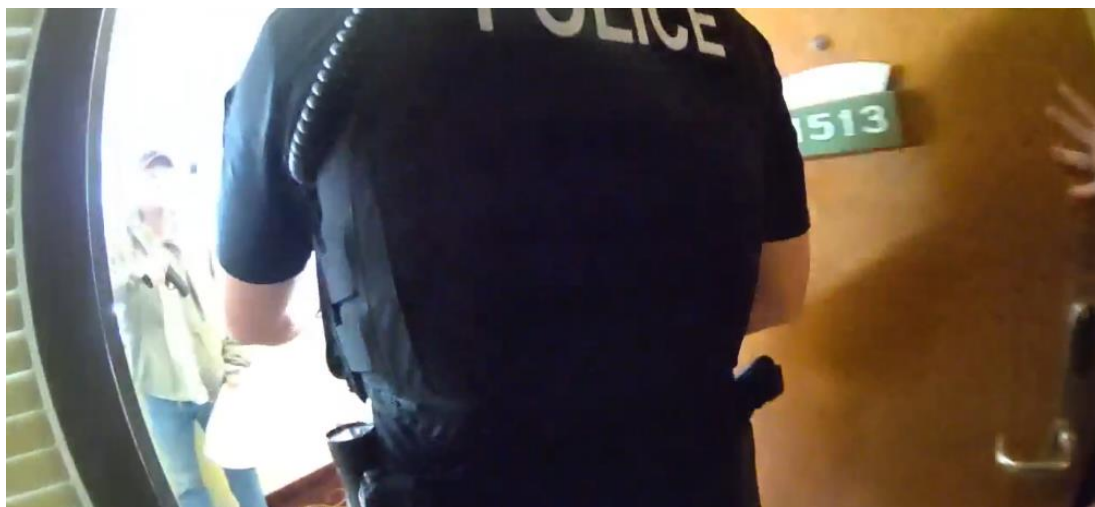


*CM#1 drawing a firearm, circled in red
NE#3 BWV timestamp 00:01:35*

NE#3 continued moving forward while reaching towards CM#1 with his left hand.



NE#3 BWV timestamp 00:01:35



NE#2 BWV depicting CM#1 drawing firearm (center left)

Continuing to step forward, NE#3 grabbed CM#1's right hand, which was still holding the firearm. During this time, CM#1 appeared to be turning the barrel of his firearm towards his own upper body.



NE#3 BWV timestamp 00:01:35

As NE#3 maintained his hold with his left hand and reached with his right hand, CM#1's firearm discharged one time.



NE#3 BWV timestamp 00:01:36

NE#3 and CM#1 then struggled for control of CM#1's firearm.



NE#3 BWV timestamp 00:01:37

NE#3 and CM#1 struggled for about two seconds as NE#3 stated, "Gun."



NE#3 BWV timestamp 00:01:39

NE#1's firearm (lower left) is observed pointing at CM#1

For about 4 seconds, NE#1 and NE#2 fired multiple shots at CM#1.³ During this time, NE#3 struggled with CM#1 for control of the firearm, then pulled CM#1's firearm from CM#1's hands.

³ SPD's Crime Scene Investigations (CSI) responded and processed the scene. FIT conducted an administrative investigation into the officer-involved shooting. CSI recovered twenty-five fired cartridge cases from the scene, twenty-four of which were consistent with SPD-issued ammunition and one of which was consistent with the ammunition from CM#1's firearm.



NE#1 BWV depicting NE#1's firearm (top right) aiming at CM#1 immediately before firing



NE#2 BWV depicting NE#1's firearm (center) aiming at CM#1 immediately before firing

The named employees retreated behind a nearby half-wall corner. NE#1 continued to point his firearm at CM#1 while the officers checked themselves for injuries and called for backup. After backup arrived, officers secured CM#1 in handcuffs and rendered first aid until Puget Sound Regional Fire Authority members took over. CM#1 was pronounced deceased at the scene. The King County Medical Examiner's Officer confirmed the manner of death was homicide involving Law Enforcement, and the cause of death was multiple gunshot wounds.

B. Named Employee Interviews

FIT interviewed the named employees on the date of the incident. OPA reinterviewed the named employees for the OPA investigation. The named employees described the incident consistently with the above evidence.

NE#1 described the plan to apprehend CM#1. NE#1 stated his role was to open the hotel door, while NE#2 and NE#3 went "hands on" to take CM#1 into custody. NE#1 said he opened the door and NE#3 went out the door first, followed



by NE#2. NE#1 described the shooting as occurring in a “second or two.” NE#1 said he heard a shot fired, causing him to fear for NE#3’s safety. NE#1 described exiting with his firearm drawn and seeing NE#3 and CM#1 struggling for a firearm. NE#1 described that, having already heard a shot fired, he feared CM#1 would “get another shot off,” because the firearm was close to NE#3. NE#1 recalled shooting CM#1 twice, then hearing other shots being fired. NE#1 said he thought CM#1 was firing, but later learned NE#2 was firing his firearm. NE#1 said he continued to fire at CM#1 because he could not see whether CM#1 still held a firearm. NE#1 also described having no place to go for cover. NE#1 said he stopped shooting once he could see CM#1’s hands. NE#1 estimated firing “around eleven to thirteen rounds.”

NE#2’s description of the incident was consistent with NE#1’s description. NE#2 described initially trying to aim downwards for a “brace contact shot”⁴ to limit the risk to others but was unable to achieve the correct angle. NE#2 stated that he feared either NE#3 or he was going to be shot if he did not immediately stop or kill CM#1. NE#2 said he aimed towards CM#1’s right shoulder and began firing. NE#2 recalled firing sixteen times and stated he stopped firing when he saw CM#1 was on the ground.

NE#3 also described the incident consistent with the evidence detailed above. NE#3 expressed uncertainty concerning the first shot fired from CM#1’s firearm, stating: “I don’t know if he shot himself with his own gun, or if I pushed the gun into his chest and then he fired, fired either accidentally or negligently, and I don’t know...I never saw a copy of the autopsy, so I don’t know if he had a gunshot wound to his chest from his own bullet.” NE#3 stated he did not draw or fire his own firearm during this incident. NE#3 described struggling with CM#1 to disarm him, saying: “I could not successfully do that, [CM#1] was holding onto it firmly against his chest and I was pushed up against his chest as well, with both hands on the gun.”

C. Witness Employee Interview

OPA interviewed WE#1 as an expert witness to explore concerns raised by the complainants concerning this incident.

WE#1 stated he has worked for SPD for over nineteen years and, for the past four and a half years, he has been assigned as the SPD range sergeants. WE#1 stated, in that capacity, he oversees seven firearms instructors, reviews and approves their lesson plans, and oversees firearms training.

WE#1 was asked about the number of shots fired by NE#1 and NE#2. WE#1 stated that SPD training is to, “shoot until the threat is no longer a threat.” WE#1 said this could be signaled by surrender or other actions. WE#1 stated that CM#1’s actions, specifically, falling to the ground, were “ambiguous.” He elaborated, “You can’t really determine if they’re taking a defensive position to avoid being shot or if they’re still in the fight.” WE#1 also described the effects of stress during a shooting. WE#1 opined NE#1 and NE#2, “shot until the threat was no longer a threat.”

WE#1 also discussed his understanding of “force science,” and the effects of human reaction time to process signals that a threat is no longer a threat. WE#1 also described SPD training to, “shoot the center of the available mass that is presented.”

⁴ Gunshot while the muzzle of the firearm is in direct contact with the target.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainants alleged the named employees used excessive force against CM#1.

On the date of this incident, SPD Interim Policy 8.200-POL-1 required that force used by officers be “objectively reasonable, necessary, and proportional to the threat or urgency of the situation, to achieve a law enforcement objective while protecting the life and safety of all persons.” Whether force was reasonable depended “on the totality of the circumstances” known to the officers at the time of the force and must be balanced against “the rights of the subject, considering the circumstances surrounding the event.” SPD Interim Policy 8.050 (effective date 4/23/2023). Reasonableness needed to be judged from perspective of a reasonable officer at the scene, *id.*, and allowed for the fact that officers are often forced to make “split-second decisions” in tense, dynamic circumstances. SPD Interim Policy 8.200-POL-1 (effective date 4/23/2023). The policy also listed several factors that should be weighed when evaluating reasonableness. *See id.* Force was necessary where “no reasonably effective alternative to the use of force appeared to exist” and “the type and amount” of force used was reasonable and proportional to effect the lawful purpose intended or to protect against the threat. *Id.* Lastly, the force used needed to be proportional, reflecting the totality of the circumstances, including the nature and immediacy of any threats. *Id.*

On the date of this incident, officers could only use deadly force where a threat of death or serious physical injury to a person was immediate. SPD Interim Policy 8.200-POL-5 (effective date 4/23/2023). Specifically, to use deadly force, it needed to be objectively reasonable for an officer to believe that a suspect, (i) was acting or threatening to cause death or serious physical injury to a person, (ii) had the means or instrumentalities to do so, and (iii) had the opportunity and ability to use those means to cause death or serious physical injury. *Id.*

OPA finds that the use of deadly force on CM#1 by NE#1 and NE#2 was lawful and proper.

The force was objectively reasonable. Here, the named employees had probable cause to arrest CM#1 for a very serious crime, Rape of a Child in the First Degree, a class A felony. Immediately after being confronted, CM#1 produced a firearm, presenting an immediate lethal threat to the officers, community, and himself. The named employees were mere feet away from CM#1—specifically, NE#3 was directly in front of CM#1, perhaps only three to five feet away, and standing in a doorway. By presenting a firearm the moment he was confronted by uniformed police officers, CM#1 clearly demonstrated a high level of intent and capacity to kill the officers, himself, or others. Relatedly, the government interest in apprehending CM#1 immediately was also high. About one or two seconds elapsed from the moment CM#1 produced the firearm until CM#1’s firearm discharged. NE#3 and CM#1 then struggled over CM#1’s firearm for about three seconds until NE#1 and NE#2 fired their first shots at CM#1. At most, the officers had about five seconds to evaluate and react to the situation that confronted them. Moreover, the three named employees were the only officers immediately present and—by the time CM#1 produced a firearm—it was no longer feasible for NE#3 to de-escalate or seek cover. When NE#1 and NE#2 observed NE#3 engaged in a struggle for CM#1’s firearm they were responding to an immediate threat. CM#1 pulled out a gun, concealed in his clothing, and appeared intent to cause death or serious physical injury to the officers or himself. One round was fired from CM#1’s gun.

Relatedly, no reasonable alternative to the use of force appeared to exist. Reasonable efforts were made to de-escalate, as there were three uniformed officers present, NE#3 identified himself, and started to speak to CM#1.



But any further attempt to de-escalate was rendered unsafe and infeasible when CM#1 drew a firearm and struggled with NE#3 to maintain control of the firearm. NE#1 and NE#2 responded with an appropriate type and amount of force to apprehend CM#1 and protect NE#3 and themselves. OPA finds the amount of force that was used by NE#1 and NE#2 was objectively reasonable, necessary, and proportional to the threat and urgency of the situation. NE#1 and NE#2 used force until the threat was no longer a threat. Given the totality of the circumstances, NE#1 and NE#2 used a proportional amount of force to the threat posed by CM#1.

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

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

Named Employee #2 – Allegation #1

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

For the reasons set forth above at Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #3 – Allegation #1

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

NE#3 did not use deadly force against CM#1, neither drawing nor firing his own firearm during the incident. Instead, when NE#3 approached CM#1, CM#1 drew his own firearm while NE#3 was mere feet away from CM#1. NE#3 struggled to obtain control of CM#1's firearm. During the struggle, CM#1's firearm discharged one time.

OPA cannot conclusively determine whether CM#1's intentionally shot himself during the struggle, accidentally discharged the firearm, or if NE#3's attempt to grab the firearm or CM#1's right hand inadvertently caused CM#1 to discharge the weapon. However, based on CM#1 appearing to angle his firearm towards his own upper body, and the positioning of NE#3's left hand relative to CM#1's and the firearm, OPA finds that, more likely than not, CM#1 intentionally shot himself during the encounter.⁵ That said, under any of these scenarios, NE#3's actions were lawful and proper. NE#3 was threatened with deadly force, having—at most—about one second to react from the time CM#1 drew his firearm until CM#1's firearm discharged. NE#3's use of *de minimis* force to grab CM#1 and gain control of the firearm was objectively reasonable, necessary, and proportional based on the totality of circumstances described above. To the extent NE#3 could be said to have used any force at all on CM#1, it was entirely appropriate under law and SPD policy. This includes NE#3's role, if any, in inadvertently contributing to the discharge of CM#1's firearm.

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

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

⁵ Similarly, FIT concluded: "While it appears likely that the suspect shot himself with his own gun, we cannot say that with 100% certainty."