



## CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 19, 2024

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

CASE NUMBER: 2024OPA-0272

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

#### Named Employee #3

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

#### Named Employee #4

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

#### Named Employee #5

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

#### Named Employee #6

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	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 Employee #1 (NE#1) through Named Employee #5 (NE#5) responded to a King County Designated Crisis Responders' (DCR) request to serve an Involuntary Treatment Act (ITA)<sup>1</sup> warrant on the Complainant, who entered an apartment lobby with a knife. NE#3 deployed a 40mm at the Complainant, and NE#4 deployed a Taser afterward. NE#1 and NE#2 handcuffed the Complainant. The Complainant alleged that NE#3 and NE#4 used unauthorized force, that the named employees mistreated her based on her intersectional gender status, that NE#1's behavioral crisis report was untruthful, and that Named Employee #6 (NE#6)—an unknown employee—used unauthorized force by shooting her with a 5.56 simulation round with a plastic tip.

**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 August 5, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

**A. OPA Complaint**

On June 20, 2024, the Complainant submitted a verbal OPA complaint, alleging that SPD officers were biased, used unauthorized force, and wrote an untruthful police report.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), behavioral crisis report, use-of-force reports, and photographs. OPA also interviewed the Complainant.

**B. Computer-Aided Dispatch Call Report, Body-Worn Video (BWV), and Behavioral Crisis Report**

On March 27, 2024, at 4:14 PM, CAD call remarks noted, "[KING COUNTY DCR] REQ[UESTED] WE JOIN FOR ITA [WARRANT] FOR SUBJ[ECT], POSS[IBLY] HIGH-USES MARIJUANA, SUBJ[ECT] HAD KNIFE LAST TIME DCR [ATTEMPTED TO CONTACT] AND POSS[IBLY] HAD A KNIFE TODAY WHEN SHE WAS W[A]NDERING HALL EARLIER."

The named employees responded to the incident location and activated their BWV, capturing the following:

The named employees gathered in an apartment lobby and coordinated the following contact team: NE#1 and NE#5—who wielded a shield—were the arresting officers, NE#2 was the lethal operator, NE#3 was the 40mm less lethal (LL) launcher operator, and NE#4 was the Taser operator. NE#1 and NE#2 watched the Complainant on the apartment's

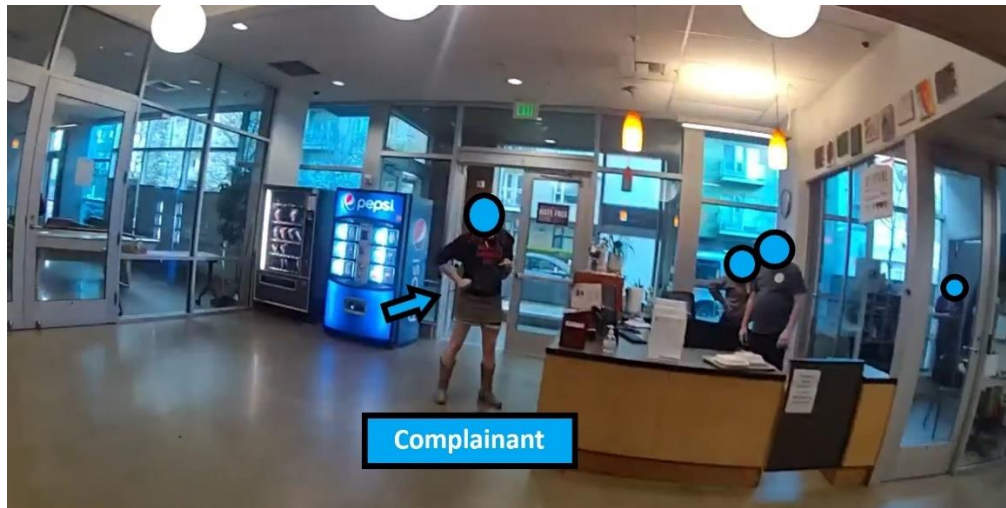
---

<sup>1</sup> 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).



security cameras at the front desk. NE#1 told the officers he saw the Complainant holding a knife.<sup>2</sup> NE#3 said they would have to contact the Complainant at a distance.

The named employees approached the Complainant once she entered the lobby with a knife in her right hand:



NE#3 shouted, "Seattle police! Drop the knife now!" The Complainant raised the knife to her neck:



NE#3 shouted, "40, 40, 40!" NE#3 fired a 40mm at the Complainant, who appeared unaffected by the deployment.<sup>3</sup> NE#3 shouted, "Get on the ground now!" The Complainant turned around, discarded the knife onto the lobby desk, and walked toward the front door. NE#3 reloaded his 40mm less lethal launcher and warned the Complainant about another deployment. NE#4 twice deployed a Taser at the Complainant,<sup>4</sup> causing her to kneel against the front door:

<sup>2</sup> NE#1's behavioral crisis report stated that the Complainant was known to always carry a knife, brandish it at others, and hold it to her throat. NE#1 described the Complainant as very hostile, antagonistic, and delusional.

<sup>3</sup> NE#3's use-of-force statement stated that the 40mm struck the Complainant's left thigh.

<sup>4</sup> NE#4's use-of-force statement stated that the Taser probes struck the Complainant's back and left leg.



The named employees approached the Complainant, grabbed her, and maneuvered her onto her stomach. NE#1 and NE#2 handcuffed the Complainant. The American Medical Response transported the Complainant to a hospital.

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

### **C. Use-of-Force Reports**

#### Named Employee #3

NE#3's type II<sup>5</sup> use-of-force statement stated that the Complainant posed an immediate danger to her life because she was about to commit suicide. NE#3 believed the Complainant posed a threat to others, particularly if she exited the building while armed with a knife. NE#3's goal in deploying the 40mm was to alter the Complainant's behavior and cause her to drop the knife. NE#3 described the effectiveness of the deployment as "not readily apparent." NE#3 believed the Complainant still held a knife after she knelt because he saw her holding a shiny object in her left hand.

#### Named Employee #4

NE#4's type II use-of-force statement noted four 911 calls concerning the Complainant in a two-day period, indicating a pattern of escalatory behavior. NE#4 described the Complainant as noncompliant and dangerous. NE#4 wrote that he deployed the Taser to prevent the Complainant from exiting the building because she posed a threat to the public, given her mental state while wielding a knife. NE#4 wrote that he had no time to provide a Taser warning because the Complainant attempted to exit the building. NE#4 believed the Complainant would have exited the building and posed a threat to the public absent his Taser deployment.

#### Chain of Command

The chain of command reviewed and approved the use of force in this incident.

<sup>5</sup> Type II is force that causes, or is reasonably expected to cause, physical injury greater than transitory pain but less than great or substantial bodily harm. SPD Interim Policy 8.050 (effective May 19, 2023). Type II force includes, among other things, 40mm and Taser deployments. SPD Interim Policy 8.400-POL-1 (effective May 19, 2023).



#### **D. OPA Interview**

On July 8, 2024, OPA interviewed the Complainant. The Complainant said she received a call from the front desk about a package, so she brought a butter knife to open it in the lobby. The Complainant said the named employees approached and ordered her to raise her hands, and she complied. The Complainant said an officer fired a 40mm at her, causing her to bleed. The Complainant said she was maneuvered onto her stomach and felt a Taser barb being pushed into her back. The Complainant alleged that an officer shot her with a 5.56 simulation round with a plastic tip. The Complainant said she was unlawfully held at a mental health hospital for violating no law. The Complainant denied threatening violence. The Complainant alleged that an officer falsely documented in his report that she had a firearm, which she denied possessing. The Complainant alleged that the named employees mistreated her based on her intersectional gender status.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 – Allegation #1**

##### ***15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report***

The Complainant alleged that NE#1 falsely documented in his report that she had a firearm.

Officers must document all primary investigations in a report. SPD Policy 15.180-POL-5. All reports must be complete, thorough, and accurate. *Id.*

NE#1's behavioral crisis report did not suggest the Complainant was armed with a firearm. It stated that she wielded a knife, which was depicted on BWV. The totality of NE#1's report was consistent with BWV observations, complete, thorough, and accurate.

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

Recommended Finding: **Not Sustained - Unfounded (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 mistreated her based on her intersectional gender 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 gender identity. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

OPA found no evidence suggesting the named employees knew about the Complainant's gender identity or mistreated her based on her gender identity. The named employees responded to the Complainant's location to execute an ITA warrant, and their tactical considerations were informed by the Complainant's mental state and her escalatory





conduct. The named employees aimed to safely take the Complainant into custody, even though she wielded a knife. The named employees did not consider the Complainant's gender identity when they coordinated a contact team.

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

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

**Named Employee #2 – Allegation #1**

***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)**

**Named Employee #3 – Allegation #1**

***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)**

**Named Employee #3 – Allegation #2**

***8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)***

The Complainant alleged that NE#3 used unauthorized force by deploying the 40mm at her.

Officers will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation to achieve a law enforcement objective while protecting the life and safety of all persons. SPD Interim Policy 8.200(1) (effective April 24, 2023). Reasonability must consider that officers are often forced to make split-second decisions about the force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the officers' actions were objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Id.* Several factors should be weighed when evaluating reasonableness. *See id.* Force is necessary under the totality of the circumstances when there is no reasonably effective alternative to using physical or deadly force, and the type and amount of physical or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. SPD Interim Policy 8.050 (effective May 19, 2023). Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to officers and others. *Id.* Officers must rely on training, experience, and circumstances to decide an appropriate level of force. *Id.*

NE#3's 40mm deployment was objectively reasonable, necessary, and proportional under the circumstances. NE#3 aimed to alter the Complainant's behavior, given her noncompliance and threat to herself and others. NE#3's deployment was necessary to mitigate that threat. NE#3's deployment was also proportional because it was not



intended to cause death or great bodily harm. Overall, a preponderance of the evidence shows NE#3's 40mm deployment was authorized based on the threat the Complainant posed while wielding a knife.

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

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

**Named Employee #4 – Allegation #1**

***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)**

**Named Employee #4 – Allegation #2**

***8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)***

The Complainant alleged that NE#4 used unauthorized force by deploying the Taser at her.

NE#4's Taser deployment was objectively reasonable, necessary, and proportional for the same reasons articulated in Named Employee #3 – Allegation #2. The Complainant was noncompliant and approached the front door. NE#4's Taser deployment was necessary to prevent the Complainant from exiting the building, given the threat she posed to the public. NE#4's Taser deployment caused the Complainant to kneel, allowing the named employees to approach, maneuver her onto her stomach, and handcuff her without using a higher level of force. Overall, a preponderance of the evidence shows NE#3's 40mm deployment was authorized under the circumstances.

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

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

**Named Employee #5 – Allegation #1**

***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)**

**Named Employee #6 – Allegation #1**

***8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)***

The Complainant alleged that NE#6—an unknown employee—used unauthorized force when NE#6 shot her with a 5.56 simulation round with a plastic tip.



---

No named employee was armed with a 5.56 simulation round with a plastic tip. Additionally, no such deployment was depicted on BWV.

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

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