



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 12, 2024

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0275

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Sustained
# 2	6.180 - Searches-General 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Training Referral

Imposed Discipline

Written Reprimand

Named Employee #2

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), an SPD sergeant, responded to a trespassing call to assist Officer #1 and Officer #2 with removing the Complainant from an Airbnb. It was alleged NE#1 made an unprofessional comment and unlawfully searched the Complainant's jacket pocket.

ADMINISTRATIVE NOTE:

On November 8, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

The Complainant broadly alleged that NE#1, Officer #1, and Officer #2 were dismissive, unnecessarily moved her property, and discouraged her from reporting a sexual assault incident. OPA reviewed all relevant body-worn video (BWV) and documentation for this incident and did not observe any officer discourage the Complainant from reporting a sexual assault. Instead, officers attempted to ask the Complainant for details regarding her allegations—which she had difficulty providing—and directed her to reporting options. The Complainant also indicated she had previously reported the alleged assault to both SPD and another law enforcement agency. OPA also did not observe any evidence that either Officer #1 or Officer #2 behaved in an unprofessional manner. Accordingly, OPA processed the Complainant's allegations against Officer #1 and Officer #2 as "FYI" Supervisor Actions.¹

¹ OPA may issue an "FYI" Supervisor Action for a complaint deemed unfounded through the intake investigation that does not meet the criteria to be closed as a Contact Log. In these situations, OPA directs the chain of command to take no action other than informing the named employee of the complaint's closing. See OPA Internal Operations and Training Manual, section 5.4(B)(ii).



SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the Complainant's allegations, computer-aided dispatch (CAD) call reports related to the allegations, incident reports, and BWV. OPA also interviewed the Complainant and NE#1.

Officers #1 and #2 responded to the scene of a trespassing call at an Airbnb. The officers met with the property manager, who explained that the Complainant was about six days into a prepaid month-long stay. The property manager explained Airbnb had terminated the Complainant's contract based on noise complaints due to the Complainant screaming inside her unit during "Quiet Hours" and behaviors that were concerning to other tenants. The officers then engaged with the Complainant for about an hour, explaining she was trespassed from the property and attempting to convince her to pack her property and leave. During this time, the Complainant made repeated allegations that a previous coworker sexually harassed her. The Complainant was escalated and passively resisted the trespass, arguing procedural points and refusing to leave the location.

Officers #1 and #2 requested a supervisor and NE#1 responded. NE#1 took over as the principal officer communicating with the Complainant. NE#1 engaged with the Complainant for over an hour as he continuously explained that she was trespassed from the location and could be arrested if she refused to leave. The Complainant remained escalated, continued to protest being trespasses, and accused the officers of misusing their authority. At one point, the Complainant slighted pushed NE#1, who noted he could have arrested the Complainant.

While continuing to verbally protest, the Complainant began packing her possessions and moving them out into the hallway. At one point when the Complainant exited the unit, NE#1 reached into the Complainant's jacket—which was hanging in a closet—and removed an identification card. NE#1 took a picture of the Complainant's identification on his SPD cell phone, replaced the identification, and texted the image to Officers #1 and #2.



*NE#1 removing Complainant's identification, indicated in green square at left.
NE#1's SPD cell phone is out at right.*



NE#1 and Officer #1 discussed the image in the identification, noting the Complainant's apparent weight loss and "decompensation." NE#1 also observed damage to the apartment unit, stating "Someone has been kicking the shit out of this wall."

Later, outside the building, the Complainant walked by NE#1, who stated, "Is her imaginary friend sexually harassing her?" Although the Complainant did not appear to hear this remark, the property manager, who was standing nearby, appeared to respond by smirking and shrugging her shoulders.

OPA interviewed NE#1. During his interview, NE#1 noted he learned difficult personal news earlier on the date of the incident, which deeply affected him. NE#1 stated he considered taking the day off but decided to "push it out through the end of the shift," as he has vacation beginning soon thereafter. NE#1 candidly stated, in retrospect, he should have taken the day off. NE#1 acknowledged removing the Complainant's identification was "out of order" and a policy violation. He explained he removed it because it appeared the Complainant's escalated behavior indicated she may get detained under the Involuntary Treatment Act (ITA).² NE#1 explained that, had the Complainant been detained under the ITA, he would have been permitted to search for the identification. NE#1 explained that, ultimately, the Complainant was not detained, which made his search impermissible. NE#1 also acknowledged his statement ("Is her imaginary friend sexually harassing her?") was inappropriate and could reasonably be interpreted as "derogatory, contemptuous, or disrespectful."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. SPD Policy 5.001-POL-10. Additionally, the policy states: "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person." *Id.*

OPA finds that NE#1's comment ("Is her imaginary friend sexually harassing her?") was unprofessional—as NE#1 himself acknowledged—and violated policy. Moreover, OPA finds that, more likely than not, the comment was overheard by the property manager. Clearly, this was an incredibly challenging interaction, and, for more than an hour, NE#1 exercised restraint and patience much of the time. OPA also appreciates NE#1's candor regarding this allegation and validates the genuine personal difficulty NE#1 was experiencing at the time. NE#1 received heartbreaking, personal news earlier in the day that would have been distressful for any person. This must be acknowledged. That said, the Complainant was exhibiting clear signs of mental health crisis and repeatedly referenced her experiences of sexual harassment and assault. NE#1's comment was extremely disrespectful of both issues and made in front of members of the public.

² 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).



Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

6.180 - Searches-General 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

It was alleged NE#1 searched the Complainant's jacket without a warrant or other lawful exception.

SPD Policy forbids officers from making warrantless searches unless a specific exception applies. See SPD Policy 6.180(1).

OPA finds NE#1's limited search of the Complainant's jacket violated policy. As with Allegation #1, NE#1 candidly acknowledged this in his OPA interview. NE#1 explained that he was attempting to assist his officers with identifying the Complainant, as this would have been required for an ITA detention—which NE#1 reasonably believed was the direction of the encounter. That said, the Complainant was neither arrested nor detained under the ITA. NE#1's characterization of his actions as procedurally "out of order" is accurate.

Acknowledging the extremely limited nature of the search, the fact it was made with the intent of community caretaking and not criminal evidence gathering, and NE#1's candid reflection of his error, OPA finds this allegation is most appropriately resolved with specific retraining and counseling from NE#1's chain of command.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 6.180(1) with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**