



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 7, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0291

### 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 (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	6.180 – Searches-General, 6.180-POL-3 Exigent Circumstance Searches, 1. Officers Will Not Conduct Warrantless Searches or Seizures Unless there is Both Subjective and Objectively Reasonable Basis to Believe that Exigent Circumstances Exist	Not Sustained - Lawful and Proper (Expedited)
# 3	16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation	Not Sustained - Lawful and Proper (Expedited)
# 4	5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited	Not Sustained - Unfounded (Expedited)

#### Named Employee #2

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)
# 2	5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited	Not Sustained - Unfounded (Expedited)

#### Named Employee #3

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited	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:

The named employees (NE#1, NE#2, and NE#3) responded to a call involving suicidal threats. The Complainant alleged that NE#1 unlawfully detained her under the Involuntary Treatment Act (ITA);<sup>1</sup> that the named employees retaliated

<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).



against her for filing a prior OPA complaint; and that NE#1 and NE#2 used unauthorized force while handcuffing her. It was also alleged that NE#1 unlawfully entered the Complainant's shed without a warrant.

**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 27, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

On July 11, 2024, the Complainant submitted an OPA complaint, alleging that she was unlawfully detained under the ITA, retaliated against for filing a prior OPA complaint, and injured during handcuffing.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), behavioral crisis report, photographs, and 911 call audio. OPA also interviewed the Complainant.

On July 4, 2024, 11:13 PM, CAD call remarks noted, "[REPORTING PARTY] SAYS HER MOTHER IS SUIC[IDAL] AND IS TRYING TO HANG HERSELF OUTSIDE HER BEDROOM, NO INJ[URIES], HAS EXTENSIVE HISTORY OF SUICIDAL IDEATIONS, HAS BELT SHE PLANS ON HANGING HERSELF WITH."

BWV captured the named employees responding to the Complainant's residence. Community Member #1 (CM#1) and the Complainant's daughter, opened the door for NE#1 and NE#3. CM#1 said the Complainant was depressed and furious. NE#1 went to the backyard and aimed his flashlight toward a shed. The Complainant asked, "Hello, can I help you?" NE#1 requested that she come outside so they could talk. NE#1 then entered the shed and repeated his request for her to exit, which she did. NE#1 spoke with the Complainant in the backyard while NE#3 spoke with CM#1 inside the house.<sup>2</sup> The Complainant denied suicidal intentions and reported experiencing cyberbullying. NE#2 arrived in the backyard. NE#1 and NE#2 began to handcuff the Complainant. As NE#1 maneuvered her arm behind her back, she said, "Do not hurt my wrist. It's already hurt." NE#2 then secured her other arm and handcuffed her. NE#1 explained that she was handcuffed for disobeying his order to remain seated. NE#1 photographed a belt located inside the house. NE#1, NE#3, and a backing officer convened in the living room. NE#1 screened the ITA detainment with a sergeant over the phone.<sup>3</sup> The named employees then escorted the Complainant to the front of her house, where NE#3 asked whether she had filed a police report about cyberbullying. She replied affirmatively, and NE#3 said he believed he wrote the report. She indicated that she had spoken to an officer, who did not take her claim seriously. The American Medical Response subsequently transported the Complainant to a hospital.

On July 22, 2024, OPA interviewed the Complainant. She said she argued with CM#1, felt depressed, and may have taken the wrong medication. She said she fantasized about hanging herself but clarified that she did not intend to act on these thoughts. She said she grabbed a belt but then went to her shed to work. She alleged that the named

<sup>2</sup> CM#1 told NE#3 that the Complainant felt depressed, threw items, and threatened to hang herself with a belt.

<sup>3</sup> NE#1's behavioral crisis report stated that the Complainant was ITA detained because she was an "imminent danger to herself."



employees were retaliating against her for filing an OPA complaint. She also alleged that NE#1 and NE#2 used unauthorized force while handcuffing her, causing bruising.<sup>4</sup>

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

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

The Complainant alleged that NE#1 and NE#2 used unauthorized force while handcuffing her, causing bruising.

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#1 and NE#2 used, at most, *de minimis* force<sup>5</sup> to handcuff the Complainant. She mentioned a pre-existing injury by stating, "Do not hurt my wrist. It's already hurt." Furthermore, she did not express any pain during or following the handcuffing process. Overall, there was insufficient evidence supporting the Complainant's claim that NE#1 or NE#2 used unauthorized force or bruised her wrists.

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

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

**Named Employee #1 – Allegation #2**

***6.180 – Searches-General, 6.180-POL-3 Exigent Circumstance Searches, 1. Officers Will Not Conduct Warrantless Searches or Seizures Unless there is Both Subjective and Objectively Reasonable Basis to Believe that Exigent Circumstances Exist***

It was alleged that NE#1 unlawfully entered the Complainant's shed without a warrant.

Officers will not conduct warrantless searches or seizures unless there is both a subjectively and objectively reasonable basis to believe that exigent circumstances exist. SPD Policy 6.180-POL-3(1). Officers should consider the following factors used by courts in reviewing exigency: (1) whether the crime involved a serious offense or crime of violence;

<sup>4</sup> The Complainant submitted to OPA a photograph of her left arm five days after the incident. There was no visible bruising.

<sup>5</sup> *De minimis* force is a physical interaction meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury. SPD Interim Policy 8.050 (effective May 19, 2023).



(2) whether there is a reasonable basis to believe the suspect is armed; (3) whether there is an objectively reasonable basis to believe the suspect committed the crime; (4) whether there is an objectively reasonable basis to believe the suspect is on the premises; (5) whether there is an objectively reasonable basis to believe the suspect is likely to escape if not swiftly apprehended; (6) whether the officers identified themselves and gave the suspect a chance to surrender before entry; or (7) whether the entry was peaceful. *Id.*

NE#1 entered the shed without a warrant. Although the exigency factors noted above appear inapplicable to this case, NE#1's entry was lawful based on community caretaking grounds. CM#1 reported to the police that the Complainant felt suicidal. The named employees responded to ensure her safety. *See* SPD Policy 6.180-POL-1 ("The need to protect or preserve life ... may justify an entry that would otherwise be illegal absent an emergency"). Upon finding the Complainant, NE#1 acted under a community caretaking role in emergency action, not in an evidence-gathering role. *See id.* (specifying circumstances when an officer may conduct a warrantless community caretaking search). Here, the totality of the circumstances suggested that the Complainant needed immediate help for health or safety reasons, justifying NE#1's warrantless entry.

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

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

**Named Employee #1 – Allegation #3**

***16.110 – Crisis Intervention, 16.110-PRO-1. Referring a Subject for an Involuntary Behavioral Health Evaluation***

The Complainant alleged that NE#1 unlawfully detained her 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.*

NE#1 had reasonable cause to believe that the Complainant suffered from a behavioral health disorder and posed an imminent risk of serious harm to herself. The Complainant threatened to commit suicide by hanging herself with a belt. Although she denied suicidal ideation, the named employees located a belt in the living room, supporting CM#1's claim. NE#1 also screened the incident with a sergeant over the phone. Thus, NE#1 lawfully detained 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 #1 – Allegation #4**

***5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited***

The Complainant alleged that the named employees retaliated against her for filing a past OPA complaint



SPD policy precludes its employees from retaliating. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities, including, but not limited to, opposing any practice that is reasonably believed to be unlawful or in violation of SPD policy, or who otherwise engages in lawful behavior. *Id.* Retaliatory acts are defined broadly under SPD's policy and include discouragement, intimidation, coercion, or adverse action against any person. *Id.*

There was no evidence supporting the Complainant's allegation. The named employees responded to the Complainant's house following a 911 call from CM#1, who reported that the Complainant was threatening suicide. The named employees did not appear to have prior knowledge of the Complainant's OPA complaint history before their arrival. Even if they had been aware, there was no indication that their decision-making was motivated by retaliation. As noted above, the named employees had a lawful basis to detain the Complainant under the ITA.

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

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

**Named Employee #2 – Allegation #1**

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

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

**Named Employee #2 – Allegation #2**

***5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited***

For the reasons at Named Employee #1 – Allegation #4, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

**Named Employee #3 – Allegation #1**

***5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited***

For the reasons at Named Employee #1 – Allegation #4, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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