



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 26, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0316

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)

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) responded to a gun threat at Pike Place Market. The Complainant alleged that NE#1 used unauthorized force by pointing a rifle at his face.

ADMINISTRATIVE NOTE:

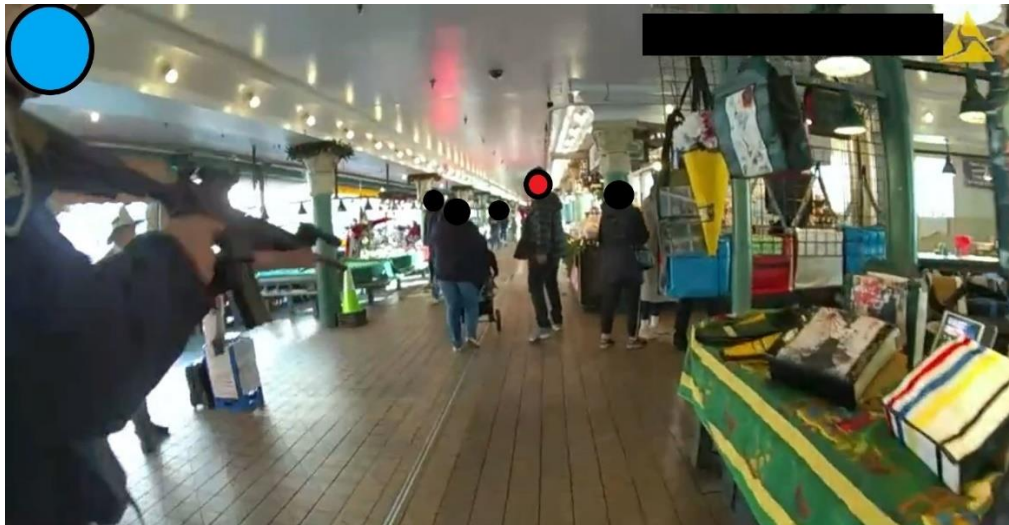
This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On September 9, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

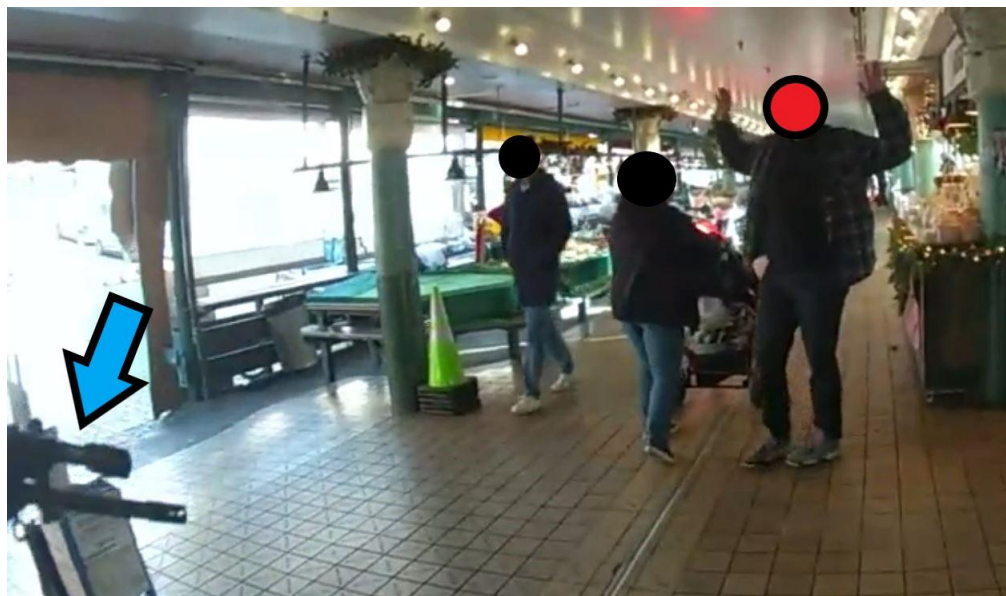
SUMMARY OF INVESTIGATION:

OPA investigated the OPA complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and field contact report. OPA also interviewed the Complainant.

On December 12, 2023, CAD call remarks noted a suspect (later identified as the Complainant) threatening the reporting party with a gun. The call was a priority one call and there was also mention of a knife. Dispatch noted the Complainant's physical description, clothing, and location. BWV captured NE#1 and his backing officer responding to the incident location. The officers located the Complainant with his girlfriend and child inside the Pike Place Market. NE#1, identified in blue below, positioned his rifle at low ready, aiming it toward the ground near the Complainant's feet, and instructed the Complainant, identified in red below, to raise his hands:



NE#1 maintained the low-ready position as he and his backing officer approached the Complainant:



NE#1 told him he was detained for the gun threat. The officers handcuffed him and then searched him, finding no gun or weapons. Officers learned that there was a dispute between community members and the Complainant regarding the way he supervised his child. Community members stated the Complainant sat his child on a high wall that was approximately thirty feet high and were concerned about the child's safety and confronted him. The Complainant stated the community members became irate and threatened him. The Complainant reported he feared for his and his family's safety and pretended to have a gun and threatened community members to leave him alone. The child's mother corroborated the Complainant's account. Officers uncuffed and released the Complainant. The Complainant asked to speak to a Sergeant and told him what had occurred. The Sergeant asked the Complainant if he wanted to file a complainant and the Complainant stated, "absolutely not," although he stated NE#1 could benefit from more



training.¹ The Sergeant provided the Complainant with his SPD business card with his name, serial number, and incident number.

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 used unauthorized force by pointing a rifle at his face.

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.*

BWV disproved the Complainant's allegation. NE#1 did not aim his rifle at the Complainant's face. Instead, it was aimed toward the ground near the Complainant's feet in a low-ready position, which did not constitute a reportable use of force. *See* SPD Interim Policy 8.050 (effective May 19, 2023) (providing that a firearm held without aiming it at any part of a person's body, such as in the sul and low-ready positions, is not reportable force). Even if the low-ready position constituted a use of force, NE#1's application of that stance would have been objectively reasonable under the circumstances, given that NE#1 was responding to a gun threat.

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

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

¹ The Complainant opined pointing a rifle at him was unreasonable and unnecessary at the market with people and children around.