



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 22, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0324

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper
# 3	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Training Referral

***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) and Named Employee #2 (NE#2) responded to a crisis call involving Community Member #1 (CM#1), who was reported to be aggressively following Daughter #1, aged 17, and subsequently Father #1. CM#1 reportedly followed Father #1 to a coffee shop, where Father #1 called 911. CM#1 also reportedly brandished a screwdriver at Community Member #2 (CM#2), who was walking with her baby, and asked, "Do you want to see a dead baby?" After CM#1 was detained, the named employees investigated the incident and discovered that CM#1 allegedly committed malicious mischief, was an unregistered sex offender, and allegedly possessed stolen property. The named employees decided to admit CM#1 to a hospital under the Involuntary Treatment Act (ITA).<sup>1</sup> The Complainant, a social worker, evaluated CM#1 and concluded that he was in control of his thoughts and actions. The Complainant alleged that CM#1 should have been arrested, not ITA detained, and that NE#2 inadequately documented the incident. It was also alleged that the named employees failed to thoroughly investigate the incident.

<sup>1</sup> The ITA authorizes an officer to apprehend and transport 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 due to grave disability. See RCW 71.05.153(2).



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**ADMINISTRATIVE NOTE:**

During its intake investigation, OPA identified Witness Officer #1 (WO#1) and NE#2 failing to notify others that they were being recorded. OPA sent WO#1's and NE#2's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to their respective chains of command for Supervisor Action.<sup>2</sup> OPA also identified WO#1 failing to report a complaint regarding an alleged policy violation to either a supervisor or OPA. OPA sent WO#1's potential violation of SPD Policy 5.002-POL-6 (Employees Will Report Alleged Violations) to his chain of command for Supervisor Action.

On January 10, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

**A. OPA Complaint**

On August 7, 2024, the Complainant submitted an OPA complaint, outlining the following:

CM#1 was admitted to a hospital pursuant to an ITA detainment for being dangerous to others. The ITA documentation indicated that CM#1 exhibited aggressive behavior toward Father #1 and Daughter #1 and threatened CM#2's baby. The Complainant observed CM#1 controlling his thoughts and actions, prompting her to contact the police for his arrest. The Complainant alleged that CM#1 should have been arrested, not ITA detained. The Complainant also alleged that NE#2 failed to document CM#1's status as an unregistered sex offender. The Complainant characterized NE#2's oversights as a "gross miscarriage of justice."

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

**B. Computer-Aided Dispatch (CAD) Call Report**

On August 6, 2024, CAD noted the following:

At 12:43 PM, CM#1 followed Daughter #1 to her house and subsequently followed Father #1 for about 20 minutes after he exited the house. CM#1 exhibited aggressive behavior, talked to himself, and may have been under the influence of drugs or alcohol. At 12:46 PM, Father #1 entered a coffee shop while CM#1 remained outside. At 12:47 PM, CM#1 entered the coffee shop and shouted at the patrons. At 12:48 PM, CM#1 brandished a knife. At 12:49 PM, CM#1 stood outside the coffee shop, causing Father #1 to feel fearful about looking out. At 12:54 PM, CM#1 departed in an unknown direction.

**C. Body-Worn Video (BWV)**

BWV recorded the following:

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<sup>2</sup> A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



NE#1 and backing officers approached CM#1 on a street and handcuffed him. NE#1 informed CM#1 of his detention and Mirandized him. Backing officers searched CM#1, finding a bag and two knives. The bag included items not registered under CM#1's name.<sup>3</sup> NE#1 then entered a nearby store where three employees reported that CM#1 damaged their business. Upon exiting the store, NE#1 encountered Community Member #3 (CM#3), who identified herself as an outreach coordinator for Law Enforcement Assisted Diversion (LEAD). She said CM#1 was her client and asked whether he was going to jail. NE#1 said CM#1 was "technically under arrest" for property damage but expressed uncertainty about the coffee shop incident. CM#3 suggested that NE#1 consider a mental health intervention, noting that her organization had been working on CM#1's mental health issues, which she attributed to his noncompliance with medication. NE#1 acknowledged that this could be a viable option unless "something extra crazy" had occurred at the coffee shop, while also mentioning that the police received multiple calls concerning CM#1's conduct.

NE#2 interviewed Father #1 near the coffee shop. He reported that CM#1 spoke incoherently to himself near Daughter #1, who went home out of fear of CM#1. He said CM#1 followed her home. He said he stepped outside and observed CM#1 in a state of crisis, during which CM#1 uttered the word "death" and attempted to spit at him, though CM#1 missed. He said he walked away, but CM#1 continued to follow him while CM#1 was verbally aggressive and appeared to be medication noncompliant. He said he called 911 when CM#1 quickened his pace. He said he freaked out, so he entered a coffee shop, where patrons advised him against calling 911 because they believed CM#1 was a harmless member of the neighborhood. He said he overheard someone claim that CM#1 possessed a knife, though he did not see one. NE#2 said officers had already detained CM#1. When asked if Father #1 felt threatened, he denied hearing any specific threat directed at him. He said he did not want to be a victim of attempted assault. NE#2 recommended that CM#1 receive mental health treatment at a hospital, to which Father #1 encouraged an intervention but believed no crime occurred. NE#2 agreed and radioed for an ITA screening, citing insufficient probable cause for an arrest.

NE#2 relocated to CM#1's location and screened the incident with NE#1, who said there was probable cause for malicious mischief stemming from a previous incident but recommended an ITA detainment. NE#1 mentioned that CM#1 threatened CM#2 and her baby while being armed with a knife. NE#2 returned to her patrol car and completed ITA documentation. CM#3 engaged with CM#1 before approaching NE#1, stating that CM#1 was not in the right state of mind but required mental health treatment. NE#1 said CM#1 was under arrest for property damage but would not be jailed since he had been identified. NE#1 said the prosecutor would determine whether to file charges.

CM#1 was secured onto a gurney and then transported to a hospital. NE#2 told NE#1 that she would run CM#1's name. After returning to her patrol car, NE#2 ran CM#1's name on her computer, yielding multiple results.<sup>4</sup> NE#2 provided the ITA paperwork to NE#1 and then called CM#2. CM#2 reported that CM#1 brandished what appeared to be a screwdriver and shouted, "Do you want to see a dead baby?" She said she left the scene, but CM#1 followed her and quickened his pace, prompting her to run toward a group of people. She said CM#1 lost interest and left. She said she observed CM#1 harassing others nearby and described his mental state as "hit or miss." She characterized CM#1 as particularly erratic that day, appearing agitated by those around him. Although she believed CM#1 would not act on his threats, she admitted to feeling fear when he followed her.

<sup>3</sup> NE#2's behavioral crisis report stated that various items, including debit cards, insurance cards, vehicle registrations, and mail belonging to other people, were submitted as found property. It also stated that CM#1's knives were submitted as evidence, while the bag was submitted as safekeeping, as CM#1 initially denied ownership but later retracted his statement.

<sup>4</sup> OPA ran CM#1 in the National Crime Information Center database, which showed that CM#1 was an unregistered sex offender convicted of first-degree rape of a child.



The Complainant called 911 the following day and spoke with WO#1. She requested CM#1 be arrested, asserting that he was “mentally fit.” She believed CM#1 was not jailed because CM#3 requested an ITA detainment. She said she evaluated CM#1 and concluded that he was not mentally ill, indicating that he did not meet the criteria for an ITA detainment. She voiced her astonishment that threats against Father #1, Daughter #1, and CM#2’s baby were not regarded as criminal behavior. She deemed it inappropriate to send CM#1 to a hospital rather than arresting him.

#### **D. Behavioral Crisis Report**

NE#2’s behavioral crisis report was consistent with the evidence summarized above. NE#2 noted that CM#1 was ITA detained for “being a danger to others.” However, the report failed to mention CM#3 and CM#1’s status as an unregistered sex offender.

#### **E. OPA Interviews**

##### Named Employee #1

On December 18, 2024, OPA interviewed NE#1. She said she was an acting sergeant on this call. She said she supervised the response but multiple officers, including NE#2, thoroughly investigated the incident. She said she supported NE#2’s investigative decisions. She referenced her discussion with CM#3, leading her to determine that an ITA detainment was the most appropriate action since a treatment plan was preferable to incarceration. She highlighted that CM#1 was removed from the public, received mental health treatment, and was referred to mental health court. She said CM#1’s status as a sex offender did not impact her decision. She said an arrest based solely on a person’s sex offender status would be biased and unlawful. She said although CM#1 followed Daughter #1, there was insufficient probable cause for an arrest since Father #1 declined to pursue charges and Daughter #1 did not remain at the scene.

##### Named Employee #2

On December 13, 2024, OPA interviewed NE#2. She said she was the primary officer on this call. She said she did not speak with Daughter #1 because Father #1 already provided sufficient information for her investigation, Daughter #1 was reportedly unharmed, Father #1 said they did not want to be victims of a crime, and Father #1 was uninterested in pursuing charges against CM#1. She believed there was insufficient probable cause for an arrest, noting that CM#1 missed when he spat at Father #1 and Father #1 believed that CM#1 required mental health intervention. She said she did not speak with the coffee shop patrons because she was told that they had departed and were upset by Father #1’s decision to call 911, believing that CM#1 was harmless and merely needed mental health support. She said she also spoke with CM#2, who similarly expressed a lack of interest in being a victim of a crime and did not wish to pursue charges against CM#1, believing that CM#1 needed mental health support.

NE#2 said she ran CM#1’s name and discovered that he was an unregistered sex offender but decided against arresting him solely for this offense because she believed such action was biased. She concluded that an ITA detainment was the most appropriate action after she investigated the incident, a view that NE#1 supported. She said an ITA detainment would facilitate CM#1’s access to treatment and services, thereby reducing the risk he posed to the public. She noted that CM#1 was located near a LEAD facility where he received treatment. NE#2 believed her investigation was thorough, emphasizing that she dedicated several hours to sorting through possibly stolen items, documenting them, and determining their potential connection to criminal activity. She said the bag found near CM#1 was never conclusively tied to him, despite being within his reach at the time he was found.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion***

The Complainant alleged that the named employees exercised unreasonable discretion by detaining CM#1 under the ITA rather than arresting him.

Employees are authorized and expected to use discretion in a reasonable manner consistent with the department's mission and duties of their office and assignment. SPD Policy 5.001-POL-6. Discretion is proportional to the severity of the crime or public safety issue being addressed. *Id.*

Detaining CM#1 under the ITA was a reasonable decision under the circumstances. Father #1 and CM#2 declined to be victims and recommended CM#1 for mental health treatment. Although they expressed discomfort in CM#1's presence, they did not believe he committed a crime. CM#3 also recommended CM#1 for mental health treatment. BWV recorded CM#1 speaking incoherently during his detention. An ITA detainment would have facilitated CM#1's access to treatment and services, thereby reducing the risk he posed to the public. These facts supported the named employees' decision to detain CM#1 under the ITA.

While the Complainant raised valid concerns about CM#1's status as an unregistered sex offender, the named employees exercised reasonable discretion by declining to arrest him. Neither law nor policy mandated CM#1's arrest for that offense. Public safety was prioritized by removing CM#1 from the public and admitting him to a hospital for treatment. Additionally, CM#1 was referred to a mental health court, where his unresolved criminal matters, including his status as an unregistered sex offender, could be properly addressed.

The named employees also exercised reasonable discretion by declining to arrest CM#1 for possessing possibly stolen property. They could not establish whether CM#1 possessed the items recovered from him, as he equivocated on the ownership of the bag. However, they arrested CM#1 for malicious mischief but chose not to book him into jail, electing instead to refer the matter to the prosecutor's office for a charging decision. Overall, the named employees' decision to detain CM#1 under the ITA reflected careful consideration of the facts and circumstances, balancing CM#1's need for treatment against public safety concerns.

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

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

**Named Employee #1 – Allegation #2**

***15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

It was alleged that the named employees conducted an unthorough investigation.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*



The named employees conducted a thorough investigation by interviewing the relevant parties (Father #1, CM#2, and employees of the business that CM#1 allegedly damaged) and retrieving items from CM#1's person (two knives and a bag containing possibly stolen items). The items obtained from CM#1 were appropriately reviewed, documented, and submitted as found property, evidence, or safekeeping.

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

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

**Named Employee #2 – Allegation #1**

***5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion***

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper.

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

**Named Employee #2 – Allegation #2**

***15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

For the reasons articulated in Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper.

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

**Named Employee #2 – Allegation #3**

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

The Complainant alleged that NE#2 inadequately documented the incident.

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#2's behavioral crisis report failed to mention CM#3 and CM#1's status as an unregistered sex offender. Such omissions cannot be overlooked. First, CM#3 served as a LEAD outreach coordinator responsible for overseeing CM#1's treatment plan, and the information she reported to the named employees was relevant to their investigation and likely influenced their decision-making. Second, during her OPA interview, NE#2 acknowledged learning about CM#1's status as an unregistered sex offender. This information should have been documented in her report, along with an explanation for her decision not to arrest him for this offense. Aside from these two omissions, NE#2's behavioral crisis report was consistent with OPA's BWV observations.<sup>5</sup> A training referral is warranted under the circumstances.

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<sup>5</sup> OPA reviewed NE#2's police report which stated there were two alleged victims who were not fearful of CM#1's behavior, although they believed CM#1 appeared to be in crisis and needed mental health treatment.



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Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#2's chain of command should discuss OPA's findings with her, review SPD Policy 15.180-POL-5 with her, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

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