




## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 10, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0339

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

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	5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication	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)
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	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) petitioned a court for an extreme risk protection order (ERPO) against the Complainant. The Complainant alleged that Named Employee #1 (NE#1) exhibited racial, gender, and religious bias and was dishonest in his ERPO petition. The Complainant also alleged that Named Employee #2 (NE#2), an unknown employee, exhibited racial, gender, and religious bias and refused to investigate crimes his neighbors committed against him.

### 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 October 1, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

OPA investigated the OPA complaint by reviewing police reports, computer-aided dispatch (CAD) call report, body-worn video (BWV), ex parte temporary ERPO, petition for an ERPO, and email correspondence. OPA also interviewed the Complainant.



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OPA's investigation uncovered the following incidents:

- On May 11, 2024, the Complainant filed an online police report, alleging that Community Member #1 (CM#1) approached his apartment while brandishing a stick and removed his camera from outside his apartment.
- On May 26, 2024, CAD call remarks noted that the Complainant called 911 to report that CM#1 approached him with a firearm, though it was not aimed at him, and removed posters that the Complainant displayed. Dispatch noted that security called 911 to report that the Complainant was in the lobby damaging property. Dispatch later noted that the Complainant was highly escalated and reported that security guards were trying to remove his belongings.
- On May 27, 2024, a witness officer documented the following information in an incident report. The Complainant reported that CM#1 superglued the basement door and described an encounter in which CM#1 walked past his door with her hand on her hip, seemingly brandishing a firearm, though he did not see one. CM#1 denied owning a firearm and expressed fear of leaving her unit due to the Complainant's swearing.
- On May 30, 2024, a second witness officer documented the following information in a behavioral crisis report. CM#1 expressed fear of the Complainant, citing his harassment and the distribution of flyers labeling her as wanted "FOR THEFT, HATE CRIME, AND IMPERSONATING NSA AGENT." The Complainant posted on social media that he had a firearm<sup>1</sup> and accused CM#1 of stealing his door camera.

NE#1 petitioned the King County Superior Court for an ex parte temporary ERPO against the Complainant. The court granted the petition on May 31, 2024, requiring the Complainant to surrender all firearms and parts to build a firearm.

On May 31, 2024, NE#1 petitioned the King County Superior Court for an ERPO against the Complainant. The petition included summaries of the above-described police reports, asserted that the Complainant was an unsuitable candidate for detainment under the Involuntary Treatment Act, and expressed concerns from apartment staff and residents regarding their safety. The petition stated that the Complainant's firearm, in SPD custody, was not recorded in his firearms purchase history, raising significant alarm over his ability to acquire unregistered firearms. Additionally, the petition highlighted the Complainant's criminal charges for violent misdemeanor offenses in both Washington and California. NE#1 noted that SPD's Crisis Response Unit deemed the Complainant to be a considerable risk to himself and others due to his possession of a firearm. The court granted the petition on September 3, 2024.

### **ANALYSIS AND CONCLUSIONS:**

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

#### ***5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged that NE#1 exhibited racial, gender, and religious bias.

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

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<sup>1</sup> NE#1's petition for an ERPO indicated that the Complainant's firearm was, at that time, in SPD custody due to the Complainant's arrest for fourth-degree assault, which was unrelated to this incident.



Policy 5.140-POL. It includes different treatment based on race, gender, or religion. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. *See* SPD Policy 5.140-POL-2.

This allegation is unfounded. There was no evidence indicating that NE#1 considered the Complainant's race, gender, or religion when he prepared the ERPO petition. The perceived threat from the Complainant was predicated on several police encounters involving the Complainant, CM#1, and apartment personnel concerning ongoing and escalating disturbances. There was also concern that NE#1 could acquire an unregistered firearm. NE#1's petition incorporated multiple police reports, CAD reports, witness statements, the Complainant's flyers and social media activity, and criminal history information. Overall, OPA found no evidence supporting the Complainant's claim of mistreatment based on race, gender, or religion.

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

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

**Named Employee #1 – Allegation #2**

***5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication***

The Complainant alleged that NE#1 was dishonest in his ERPO petition.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11.

This allegation is unfounded for the same reasons noted above. NE#1's ERPO petition was predicated on multiple police reports written by his colleagues, which were thorough, accurate, and consistent with BWV observations. SPD's Crisis Response Unit seemingly vetted NE#1's petition, reinforcing its truthfulness. OPA uncovered no evidence suggesting any part of the petition was untruthful.

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***

The Complainant alleged that NE#2 exhibited racial, gender, and religious bias.

OPA's review of police reports and BWV observations uncovered no evidence of any SPD officer exhibiting racial, gender, or religious bias toward the Complainant. BWV showed officers responding to the apartment building, interviewing the involved parties, and documenting the incidents without consideration of the Complainant's race, gender, or religion.

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

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



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**Named Employee #2 – Allegation #2**

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

The Complainant alleged that NE#2 refused to investigate crimes his neighbors committed against him.

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.*

As noted above, officers interviewed the involved parties, investigated the disturbances, and documented the incidents in reports. There was insufficient probable cause to arrest CM#1 or any other neighbor for an alleged offense against the Complainant. Instead, considering the nature of the dispute, officers consistently urged the parties to pursue protection orders, as arrests were not unwarranted under the circumstances.

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

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