



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0370

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited	Not Sustained - Lawful and Proper (Expedited)
# 2	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Lawful and Proper (Expedited)
# 2	8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited	Not Sustained - Lawful and Proper (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:

Multiple SPD officers, including the named employees (NE#1 and NE#2), searched an apartment building for a person who was reportedly shot (Victim #1). A blood trail directed them to the Complainant's apartment unit. Officers breached the door but found the Complainant uninjured. The Complainant alleged that the officers, acting under the named employees' direction, unlawfully entered his apartment and used prohibited force by aiming their guns at 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 16, 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 incident report. The Complainant declined OPA's request for an interview.

On September 13, 2024, CAD records indicated that a person flagged down an officer. BWV captured an apartment resident reporting that another resident may have sustained a gunshot wound to the arm and had entered the building. Blood was visible outside and inside the building. Officers searched multiple floors of the building, ultimately tracing a blood trail to the Complainant's unit.¹ Despite repeatedly announcing their presence and knocking on the Complainant's door, they received no audible response. Efforts to reach apartment staff for access to the unit were unsuccessful, as no one answered.

NE#1, a sergeant, and NE#2, a lieutenant, arrived to oversee the situation. The officers formed a contact team equipped with a ballistic shield, a rifle, and a 40mm less-lethal launcher, and then reapproached the Complainant's door. They announced their presence, stating their intent to check on Victim #1's welfare and render medical aid. They reassured Victim #1 that he was not in any trouble and requested to speak with him due to the blood found outside his unit. However, there was no response. The officers speculated that Victim #1 might have lost consciousness. Under the named employees' direction, one officer kicked open the door, after which the team retreated. The Complainant emerged, questioned the officers about their entry into his apartment, denied any knowledge of Victim #1, and asserted that he would not open the door for anyone at midnight. The officers explained that they were concerned for Victim #1, particularly given the lack of response from inside. Subsequently, they moved to a different unit after dispatch broadcasted Victim #1's location.

A witness officer's incident report was consistent with BWV observations and stated that the entry was based on community caretaking grounds.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited

The Complainant alleged that the named employees used prohibited force by aiming their guns at him.

Sworn officers are prohibited from using force under certain circumstances. SPD Policy 8.200-POL-2.

Under the named employees' direction, the officers lawfully aimed their weapons toward the Complainant. They were attempting to locate a person who reportedly sustained a gunshot wound (Victim #1), while they were unaware of the suspected shooter's location. Given the uncertainty behind the Complainant's door and the safety risks associated with the situation, the officers properly prepared themselves with their weapons before contacting the person they believed to be Victim #1. Upon realizing that they had identified the incorrect person, the officers promptly withdrew and secured their weapons.

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

¹ A witness officer's incident report stated that he saw blood on the door frame.



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

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

The Complainant alleged that the named employees unlawfully entered his apartment.

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1).

The need to protect or preserve life, avoid serious injury, or protect property in danger of damage may justify an entry that would otherwise be illegal absent an emergency. SPD Policy 6.180-POL-1. A community caretaking search does not require probable cause but must be motivated solely by the perceived need to render aid or assistance. *Id.* Officers will act under a community caretaking role in emergency action, not in their evidence-gathering role. *Id.* An officer may conduct a warrantless community caretaking search when: (1) the officer has a subjective belief that someone likely needs assistance for health or safety concerns; (2) a reasonable person in the same situation would similarly believe there is a need for assistance; (3) there is a reasonable basis to associate the need for assistance with the place searched; (4) there is an imminent threat of substantial bodily injury to persons or substantial damage to property; or (5) a specific person or property needs immediate help for health or safety reasons. *Id.*

The evidence overwhelmingly supported the officers' entry based on community caretaking grounds. A witness reported hearing gunfire and observed Victim #1 with a bloodied arm. The officers traced a trail of blood leading to the Complainant's apartment. They repeatedly announced that Victim #1 was not in any trouble and that their purpose was to render medical aid. When their knocks and announcements received no response, the officers feared that Victim #1 might have lost consciousness. The totality of these circumstances justified their warrantless entry to preserve Victim #1's life, despite the officers being mistaken about this unit.

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

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

Named Employee #2 – Allegation #1

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

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

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

Named Employee #2 – Allegation #2

8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited



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

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