



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 30, 2025

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

CASE NUMBER: 2025OPA-0009

### Allegations of Misconduct & Director's Findings

**Named Employee #1**

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-2. Using Force: When Prohibited	Not Sustained - Unfounded (Expedited)
# 2	16.110 – Crisis Intervention, 16.110-POL-5 Responding to Subjects in Behavioral Crisis, 9. Officers Shall Document All Contacts With Subjects Who are in Any Type of Behavioral Crisis	Not Sustained - Training Referral (Expedited)

**Named Employee #2**

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Unfounded (Expedited)

**Named Employee #3**

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	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 crisis call involving the Complainant and subsequently detained her under the Involuntary Treatment Act (ITA).<sup>1</sup> The Complainant alleged that NE#1 applied prohibited force by placing his hands around her neck and that NE#2 and NE#3 applied unauthorized force by twisting her arms and slamming her against various objects. OPA also alleged that NE#1 failed to prepare a behavioral crisis report for the ITA detention.

<sup>1</sup> The ITA authorizes an officer to apprehend and transport a person to a facility when the officer reasonably believes the 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 NE#1 failing to notify the Complainant that she was being recorded. OPA sent NE#1's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to his chain of command for Supervisor Action.<sup>2</sup>

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 February 7, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report and body-worn video (BWV). OPA also interviewed a building employee who observed the incident.

On November 4, 2024, CAD call remarks noted a reporting party requesting a welfare check for a subject who had stated that voices have been telling her to kill everyone in her building with a gun. CAD call remarks also noted the subject stating that she did not currently possess a gun, although she knew where to obtain one.

BWV captured two witness officers responding to the location and contacting building staff, who expressed concerns about the Complainant's threats of gun violence. After the officers contacted the Complainant, she confirmed hearing voices and agreed to be taken to a hospital, but the officers were unable to complete this call due to their response to a shooting incident occurring just outside the building. After the named employees were later told that there were sufficient grounds for an ITA detainment, they entered the Complainant's apartment with her consent. While the Complainant was cooking, the named employees grabbed her arms but released her when she insisted she would leave voluntarily. The Complainant then requested to grab her belongings. NE#1 grabbed her arm again and told her that someone else could retrieve those items for her. The Complainant replied, "You don't have to be pushing on me, please" and exited her apartment without any physical contact from the named employees. The named employees then assisted the Complainant onto a gurney in the hallway, prompting her to shout, "Why are you all pushing me? I want to walk!" The Complainant was distressed as the named employees restrained her legs, arms, and upper body while securing her to the gurney. American Medical Response personnel then transported the Complainant away.

OPA interviewed a building employee who observed the incident. She said officers did not place their hands on the Complainant's neck. She also said officers did not slam the Complainant against various objects.

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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).



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

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

The Complainant alleged that NE#1 applied prohibited force by placing his hands around her neck.

Sworn employees are prohibited from using neck and carotid restraints in all circumstances except to protect their lives or another person's life from an imminent threat. SPD Policy 8.200-POL-2.

This allegation is unfounded. At no point did NE#1 physically contact the Complainant's neck during the entire encounter. A building employee who observed the incident also corroborated this finding.

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

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

**Named Employee #1 – Allegation #2**

***16.110 – Crisis Intervention, 16.110-POL-5 Responding to Subjects in Behavioral Crisis, 9. Officers Shall Document All Contacts With Subjects Who are in Any Type of Behavioral Crisis***

OPA alleged that NE#1 failed to prepare a behavioral crisis report for the ITA detainment.

Officers will complete a behavioral crisis report for all crisis-related incidents. SPD Policy 16.110-POL-5(9).

OPA did not locate any behavioral crisis report for this incident, but the circumstances at that time mitigated this oversight. A witness officer originally responded to the location to execute an ITA detainment but was later redirected to a shooting incident. NE#1—who also responded to the shooting incident—was redirected to complete the ITA detainment. Although NE#1 did not prepare an incident report, he completed the emergent evaluation card. Due to the dynamic nature of two incidents occurring simultaneously and two different primary officers handling the ITA detainment, OPA finds that this potential policy violation was not willful misconduct. Therefore, a training referral is warranted under these circumstances.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral (Expedited).

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 16.110-POL-5(9) with him, 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 (Expedited)**



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**Named Employee #2 – Allegation #1**

***8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized***

The Complainant alleged that NE#2 and NE#3 applied unauthorized force by twisting her arms and slamming her into various objects.

Sworn employees 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 people. SPD Policy 8.200(1). Reasonableness must consider that sworn employees are often forced to make split-second decisions about the amount of force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the sworn employee's 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 sworn employee or others. SPD Policy 8.050. Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to sworn employees and others. *Id.* Sworn employees must rely on training, experience, and their assessment of the situation to decide an appropriate level of force. *Id.*

This allegation is unfounded. BWV captured the named employees applying, at most, *de minimis*<sup>3</sup> force in the apartment and hallway. Specifically, the named employees held the Complainant's arms in the apartment and held her arms, legs, and upper body in the hallway while applying restraints on the gurney. A building employee who observed the incident also corroborated their *de minimis* control holds. The Complainant neither had her arms twisted nor was her body slammed against various objects.

As OP finds no officer used reportable force on the Complainant, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

**Named Employee #3 – Allegation #1**

***8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized***

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

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

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<sup>3</sup> *De minimis* force is an action meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury. Examples include, but are not limited to, using hands or equipment to stop, push back, separate, or escort, and using compliance holds without using sufficient force to cause pain. SPD Policy 8.050.