



## ***CLOSED CASE SUMMARY***

ISSUED DATE: SEPTEMBER 8, 2025

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

CASE NUMBER: 2025OPA-0104

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 6.180-POL-5 Pat-Down/Frisk	Allegation Removed
# 2	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Lawful and Proper (Expedited)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 6.180-POL-5 Pat-Down/Frisk	Not Sustained - Lawful and Proper (Expedited)

#### **Named Employee #3**

Allegation(s):		Director's Findings
# 1	6.185 – Search Warrants, 6.185-PRO-2 Dynamic and High-Risk Search Warrant Procedure	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:**

SPD officers executed a search warrant at the apartment of Community Member #1 (CM#1), the Complainant's boyfriend. The Complainant alleged that SPD lacked a valid search warrant, that Named Employee #2 (NE#2) unlawfully frisked her and her daughter, and that Named Employee #1 (NE#1) used unauthorized force by deploying a noise flash diversion device (NFDD).

### **ADMINISTRATIVE NOTE:**

On August 8, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

OPA's investigation included reviewing the OPA complaint, body-worn video, incident and supplement reports, search warrant documentation, and interview statements from the Complainant. Based on these records, OPA finds the following have occurred.



On March 27, 2025, SPD officers established probable cause for a hate crime when four suspects—one of whom was CM#1—assaulted a transgender woman. They also established probable cause for CM#1's involvement in a domestic violence assault. After locating CM#1 at his apartment, the officers applied for a search warrant to search CM#1's apartment and gather evidence related to his alleged crimes. A King County Superior Court judge approved the warrant. A Special Weapons And Tactics (SWAT) team was dispatched to execute the warrant. After the Complainant and her daughter exited the apartment, NE#2 frisked them. Subsequently, NE#1 deployed an NFDD, which was approved by a lieutenant. SWAT officers then entered the apartment and arrested CM#1 without incident.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***6.180 – Searches-General, 6.180-POL-5 Pat-Down/Frisk***

During OPA's intake investigation, OPA initially classified this allegation against NE#1. OPA later determined that NE#2 frisked the Complainant and her daughter.

Accordingly, the allegation against NE#1 is removed.

Recommended Finding: **Allegation Removed**

**Named Employee #1 – Allegation #2**

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

The Complainant alleged that NE#1 used unauthorized force by deploying an NFDD.

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.*

NE#1's NFDD deployment was lawful and proper type I force.<sup>1</sup> With a lieutenant's approval, NE#1 deployed the NFDD at the exterior door to make noise and gain CM#1's attention. SPD officers had a search warrant authorizing them to

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<sup>1</sup> Type I is force that causes pain or injury not requiring anything greater than basic first aid. SPD Policy 8.050. Type I force includes, among other things, an NFDD deployment directed away from people. SPD Policy 8.400-POL-1.



enter the apartment, conduct a search, and arrest CM#1, who was unwilling to leave. Overall, OPA finds NE#1's NFDD deployment, a low level of force, was objectively reasonable, necessary, and proportional under the circumstances.

Accordingly, OPA recommends that 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, 6.180-POL-5 Pat-Down/Frisk***

The Complainant alleged that NE#2 unlawfully frisked her and her daughter.

The purpose and scope of a frisk is to discover weapons or other items which pose a danger to the officer or those nearby. SPD Policy 6.180-POL-5. It is not a generalized search of the entire person. *Id.* The decision to conduct a frisk is based upon the totality of the circumstances and the reasonable conclusions drawn from the officer's training and experience. *Id.* Generally, the frisk will be limited to a pat-down of outer clothing. *Id.* Once the officer ascertains that no weapon is present after the frisk is completed, the officer's limited authority to frisk is completed (i.e., the frisk will stop). *Id.*

NE#2's frisk was lawful and proper. Given the circumstances of the call necessitating a SWAT callout and a possibly barricaded subject, NE#2's decision to frisk the Complainant and her daughter was reasonable, especially since they were seen exiting the apartment that harbored the criminal suspect. The frisk was brief and limited to their outer clothing.

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

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

**Named Employee #3 – Allegation #1**

***6.185 – Search Warrants, 6.185-PRO-2 Dynamic and High-Risk Search Warrant Procedure***

The Complainant alleged that Named Employee #3 (NE#3), an unknown employee, lacked a valid search warrant.

Officers or detectives must follow specific procedures when obtaining search warrants for dynamic and high-risk situations. SPD Policy 6.185-PRO-2. Among other things, officers or detectives must screen the anticipated warrant service with a sergeant, complete a search warrant form, and file the warrant with a court. *See id.*

SPD officers entered CM#1's apartment after lawfully obtaining a search warrant approved by a King County Superior Court judge. OPA found no evidence indicating that the procedures for obtaining the warrant were not followed.

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

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