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From: Interim Deputy Director Nelson Leese (on behalf of Interim Director Bonnie Glenn)
Office of Police Accountability 

Case Number: 2025OPA-0164

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion
Finding: Not Sustained - Lawful and Proper
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Named Employee #2

1. **Allegation #1:** 6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies
Finding: Not Sustained - Lawful and Proper
 2. **Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion
Finding: Not Sustained - Lawful and Proper
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Named Employee #3

1. **Allegation #1:** 6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies
Finding: Not Sustained - Lawful and Proper
 2. **Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion
Finding: Not Sustained - Lawful and Proper
 3. **Allegation #3:** 5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited
Finding: Not Sustained - Unfounded
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Named Employee #4

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

Finding: Not Sustained - Lawful and Proper

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

The Complainant requested the Seattle Police Department (SPD) detain his sister, Community Member #1 (CM#1), under the Involuntary Treatment Act due to her threat to commit suicide. The named employees (NE#1, NE#2, and NE#3) responded to CM#1's apartment but declined to forcibly enter. NE#2 and NE#3 viewed inside CM#1's apartment by removing her peephole. Named Employee #4 (NE#4), a sergeant, spoke with the Complainant, who voiced dissatisfaction regarding the officers' inaction. The Complainant alleged that the named employees exercised unreasonable discretion by refusing to detain CM#1 under the ITA. The Complainant also alleged that NE#3 arrested CM#1 in retaliation for the Complainant's complaint against NE#3. Finally, OPA investigated whether NE#2 and NE#3 unlawfully searched CM#1's apartment by removing her peephole.

Administrative Note:

On September 10, 2025, the Office of Inspector General certified OPA's investigation as thorough and objective but declined to certify the investigation as timely. In declining to fully certify the investigation, OIG only cited the fact that OPA made corrections to the classification notice following the 30-day notification period. OPA acknowledges it corrected the classification notice in this case but did so to consolidate this case number with 2025OPA-0165, which was classified on time. OPA respectfully disagrees that this single issue, especially under these circumstances, rendered this entire investigation untimely.

Summary of the Investigation:

OPA's investigation included reviewing the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), incident, supplement, and behavioral crisis reports, and interview statements from the Complainant and named employees.

A. OPA Complaint and Complainant Interview

On April 29, 2025, the Complainant left two voicemails for OPA, requesting to file an OPA complaint against the named employees. On May 6 and 16, 2025, OPA interviewed the Complainant. He said he and his other sister petitioned a court for an involuntary mental health

detainment of CM#1, who suffers from mental illness, though their request was denied. He said he called 911 one day when CM#1's condition worsened, during which she threw objects from her apartment. He said NE#2 and NE#3 arrived at CM#1's apartment several hours later and declined to enter, despite CM#1 threatening to commit suicide. He said they declined entry to de-escalate the situation, believing there was nothing further they could do, and concluded within mere minutes that CM#1's behavior did not meet the criteria for an ITA detainment. He considered their inaction unjustified. He said NE#3 arrested CM#1 the following day, which he believed was retaliatory in response to his complaints against NE#3.

B. CAD Call Report and BWV (Part 1)

On April 29, 2025, at 5:14 PM, CAD call remarks noted, "[REPORTING PARTY'S] SISTER JUST LEFT HOUSE SAYING THAT SHE IS SUICIDAL, WANTED TO JUMP OFF BRIDGE, NO [WEAPONS]."

BWV captured NE#1 driving in the area while conversing with the Complainant via phone. The Complainant reported that CM#1 was undergoing a mental health crisis and threatened to jump from a bridge. NE#1 later arrived at CM#1's apartment building, where CM#1 was throwing objects, which landed in a sunken courtyard. NE#1 and two backing officers approached CM#1's door and repeatedly attempted to contact her. CM#1 demanded they leave, threatening to commit suicide if they continued to contact her. NE#1 attempted to remove CM#1's peephole using a tool but was unable to do so. NE#1 suggested to one backing officer—a member of SPD's Crisis Response Team (CRT)—that they should withdraw, given CM#1's suicide threats. NE#1 also mentioned that CM#1 barricaded her door with a chair and that there was no urgency to enter. The backing officer screened the incident with a sergeant, who agreed with NE#1's plan. The backing officer attempted to contact CM#1 a final time, but CM#1 did not respond. He left a business card containing the phone number for a crisis resource. The officers then left the scene.

C. CAD Call Report and BWV (Part 2)

On April 29, 2025, at 7:54 PM, CAD call remarks noted, "[REPORTING PARTY'S] SISTER IS IN CRISIS, CURRENTLY IN HER APARTMENT ALONE THROWING ALL OF THE CONTENTS OF HER APARTMENT OUT THE WINDOW, [REPORTING PARTY] IS WAITING AT THE FRONT OF THE BUILDING FOR [OFFICERS], HAS THREATENED SUICIDE TODAY, NO [WEAPONS]."

BWV captured NE#2 and NE#3 arriving at CM#1's apartment building, where objects were scattered across the sunken courtyard and sidewalk. NE#2 and NE#3 spoke with the Complainant and his other sister at the front entrance while CM#1 continued throwing items from her apartment. The officers explained the reasons for their refusal to enter CM#1's apartment, citing the same rationale NE#1 provided for declining entry. They said CM#1's behavior did not constitute a threat level warranting police intervention. They said no one was being harmed or calling the police about the items being thrown, CM#1 was in a protected space, and judges

generally do not approve search warrants in these situations. However, they said they would attempt to contact CM#1.

NE#2 and NE#3 approached CM#1's apartment, knocked on her door multiple times, and requested a conversation. CM#1 refused to speak with the officers and demanded they leave. NE#3 said they were there due to her family's concern and the items being thrown. NE#2 removed the peephole using his hand and placed his phone against it, allowing him to zoom in to see CM#1 inside. NE#3 asked about CM#1's well-being, but CM#1 responded by swearing at the officers. NE#2 replied that they would leave her alone if she stopped throwing items out her window. CM#1 approached her door, pounded on it repeatedly, and shouted, "Fuck off!" NE#2 and NE#3 disengaged.

NE#2 and NE#3 returned to the front entrance and explained to the Complainant and his other sister what occurred. NE#3 said their communication attempts were unsuccessful, as CM#1 became increasingly escalated. NE#2 expressed concern about the possibility of a situation where they might be required to use force against CM#1 if she approached them in an escalated state. NE#3 said they exhausted all options and could not take further action. NE#3 said they saw through her peephole that CM#1 appeared to be clothed and uninjured, yet she became even more escalated due to their viewing. NE#3 suggested the Complainant and his other sister leave for the night, as CM#1 communicated her belief that her family caused the problem. NE#2 and NE#3 then left the scene.

D. BWV (Part 3)

BWV captured NE#4 contacting the Complainant via phone on April 29, 2025. The Complainant voiced dissatisfaction regarding NE#2's and NE#3's refusal to enter CM#1's apartment to execute an ITA detainment. He said he had a court order authorizing the police to execute an involuntary mental health detainment. NE#4 said he saw no such order in the system, but even if he did, it would not authorize the officers to enter. The Complainant argued that CM#1's threats of suicide should have been adequate grounds for an entry, as she had already threatened self-harm. NE#4 explained that the officers sought to ensure everyone's safety and declined to enter CM#1's apartment to de-escalate the situation since she had threatened to commit suicide if they entered. NE#4 concluded the conversation by requesting the Complainant to email him the court order.

E. OPA Interviews

Named Employee #1

On August 15, 2025, OPA interviewed NE#1. NE#1 said the area where objects were landing was cordoned off with yellow caution tape to deter pedestrians from entering that space. In explaining his reasons for declining to enter CM#1's apartment, NE#1 said there was no exigency, CM#1 had threatened to commit suicide if the officers entered, the officers sought to de-escalate the situation, there were no indications that CM#1 harmed herself, a CRT officer believed they should withdraw, and they provided crisis resources to CM#1 before departing.

Named Employee #2 and Named Employee #3

On August 15, 2025, OPA interviewed NE#2 and NE#3. NE#2's statements were consistent with NE#3's statements.

NE#3 said he and NE#2 responded to CM#1's apartment for a welfare check but could not execute an ITA detainment because he lacked the legal authority to enter her apartment. NE#3 also said he declined to enter because she threatened to commit suicide if the officers entered. NE#3 said he wanted visual confirmation of CM#1's well-being, as her condition was unknown at the time, prompting NE#2 to remove her peephole. NE#3 insisted that this act was solely for community caretaking concerns, not a criminal investigation. NE#3 said he only entered CM#1's apartment the following day after receiving instructions to protect Seattle Fire Department personnel, who needed to evaluate CM#1 for medical reasons. NE#3 said officers persuaded CM#1 to exit her apartment and attempted to execute an ITA detainment outside. NE#3 said during the detainment, CM#1 kicked an officer's groin, elevating the ITA detainment to an arrest. NE#3 insisted that his decision to arrest CM#1 was based solely on her assault.

Named Employee #4

On August 15, 2025, OPA interviewed NE#4. NE#4's statements were consistent with the evidence described above. Although NE#4 said he was not present at the scene, he would have approved NE#1's, NE#2's, and NE#3's decision to refrain from entering CM#1's apartment.

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 refusing to detain CM#1 under the ITA.

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.

OPA finds, by a preponderance of the evidence, that the named employees exercised reasonable discretion by declining to enter CM#1's apartment. Despite the Complainant's repeated claims that a court order authorized the named employees to detain CM#1, they reasonably believed that such an order—if it were to exist—would not have given them the legal authority to enter CM#1's apartment. As the named employees recognized, CM#1 was in a

constitutionally protected space that required a warrant, her consent, or exigency for them to breach that space. They reasonably concluded that they lacked these legal means.

Nevertheless, the named employees remained outside CM#1's apartment and repeatedly attempted to contact her, emphasizing their and her family's concern for her well-being. Ultimately, CM#1 refused to engage the named employees and was not obligated to do so. Therefore, the named employees' decision to withdraw was a reasonable method to de-escalate the situation, especially considering CM#1's threat to commit suicide if they had entered. NE#1's decision to withdraw was reinforced when a CRT officer and a screening supervisor both agreed with the decision to withdraw. Moreover, NE#2's and NE#3's decision to withdraw was reinforced when they observed through the peephole that CM#1 appeared to be clothed and uninjured. Crisis resources were provided to CM#1, and the area where objects were landing was cordoned off with caution tape. Overall, the named employees took all possible measures to assist CM#1, while recognizing the constraints of their authority.

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

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

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

NE#2 and NE#3 allegedly conducted an unlawful search of CM#1's apartment by removing her peephole.

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; and (5) a specific person or property needs immediate help for health or safety reasons. SPD Policy 6.180 POL-1(1).

Although NE#2 and NE#3 lacked consent, exigency, and a warrant to enter CM#1's apartment, they arguably had justification to enter based on community caretaking grounds. CM#1 was reportedly suicidal and seen throwing objects from her apartment for several hours. Although CM#1 was in an escalated state while communicating with NE#2 and NE#3, her comments were largely incoherent, indicative of someone who might have been experiencing a mental health

crisis. Finally, CM#1's condition was unknown at the time, as no officer had visually determined whether she was unharmed. The totality of these circumstances indicated that CM#1 might have needed assistance for health or safety concerns, satisfying the community caretaking factors articulated in SPD Policy 6.180-POL-1.

Nevertheless, NE#2 and NE#3 understandably opted against an entry, citing CM#1's threat to commit suicide if they

CM#1's well-being. This was a reasonable alternative to forced entry, considering CM#1's threats of self-harm and the strong possibility that they would have needed to apply force had they entered. There was no indication that their act of removing the peephole was intended to gather evidence for a criminal investigation. Rather, a preponderance of the evidence showed NE#2 and NE#3 acting in a community caretaking role to ensure CM#1's well-being before their departure. OPA finds NE#2's and NE#3's search lawful and proper under these circumstances.

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

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

Named Employee #2 – Allegation #2

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 that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #3 – 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 #2 – Allegation #1, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #3 – Allegation #2

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 that this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #3 – Allegation #3

5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited

The Complainant alleged that NE#3 arrested CM#1 in retaliation for the Complainant's complaint against NE#3.

SPD employees are prohibited from retaliating. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities, including but not limited to opposing any practice reasonably believed to be unlawful or in violation of SPD policy, or who otherwise engages in lawful behavior. Id. Retaliatory acts are defined broadly under SPD policy and include discouragement, intimidation, coercion, or adverse action against any person. Id.

This allegation is unfounded. Assaulting a law enforcement officer is an arrestable offense. NE#3 had probable cause to arrest CM#1 for kicking an officer's groin during his attempt to detain her under the ITA. There was insufficient evidence to suggest that NE#3's decision to arrest CM#1 was based on considerations other than the assault.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #4 – 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 that this allegation be Not Sustained – Lawful and Proper.

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