



## CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 17, 2019

CASE NUMBER: 2019OPA-0344

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	16.110 - Crisis Intervention 16.110–PRO–2 Referring a Subject for an Involuntary Mental Health Evaluation	Not Sustained (Lawful and Proper)

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	8.200 - Using Force 1. Use of Force: When Authorized	Not Sustained (Unfounded)
# 2	8.100 - De-Escalation 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force	Not Sustained (Unfounded)

***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 Complainant alleged that the Subject may have been improperly tased, that officers may have used force on the Subject without first attempting to de-escalate, and that there may have been issues with the ultimate involuntary detention of the Subject by SPD personnel.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***16.110 - Crisis Intervention 16.110–PRO–2 Referring a Subject for an Involuntary Mental Health Evaluation***

On May 15, 2019, there were several 911 calls concerning a nude African American woman in the downtown area. At first, the calls reflected that the woman, who is referred to here as the Subject, had tried to steal a purse; however, the incident was later updated to a “lewd” call. Subsequent reports indicated that the woman was running after a man. The nature of the calls suggested that this was a likely mental health crisis situation. Officers from the King County Sheriff’s Office (KCSO) were on scene and SPD officers began to be dispatched.

A KCSO employee ultimately used his Taser on the Subject. Shortly after the Taser application, Named Employee #1 (NE#1), a Crisis Intervention trained officer, arrived on scene. When NE#1 got to the location, the Subject was sitting on the ground and in handcuffs. She was initially covered with clothing but stood up and the clothing fell off. The Complainant had two Taser probes lodged into her back. NE#1 asked her to get back on the ground. At that time, the Subject was extremely agitated, scared, and confused. She repeatedly yelled and made other unintelligible



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statements. A man, who identified himself as the Subject's brother, tried to calm her down. At one point, the Subject asked her brother if her children had been raped and her brother said that they had not.

The Subject's brother relayed to the officers that the Subject was high and suffered from schizophrenia. At that time, the decision was made to effectuate the involuntary detention of the Subject and to transport her to a hospital for treatment. NE#1 tried to place a coat on the Subject, but she yelled when he did so. Her brother then assisted in covering her. Once the Subject was covered, she grew calmer.

NE#1 asked the Subject what happened to her. She told him that she had been shot. He then asked her what happened to her before that. She responded orally but in gibberish. A KCSO officer photographed the Taser prongs. The Subject began to move around, and the coat came off of her. The Seattle Fire Department (SFD) responded to the scene and NE#1 asked that they call for AMR. SFD did so. A KCSO officer then removed the Taser prongs from the Subject's back. She reacted in pain and lurched forward. At that time, NE#1 and other officers, including a female patrol officer, held her arms. Other officers held up a blanket as a privacy screen. Once the probes were removed, the blanket was wrapped around the Subject.

NE#1 asked the Subject if she wanted to sit down. She was non-responsive, speaking quickly and again in gibberish. The officers kept her wrapped up. NE#1 stood by her while SFD took her pulse. After several minutes of continuing to stand at that location, AMR arrived on scene. NE#1 walked the Subject towards the ambulance and, with the assistance of other officers and AMR staff, placed the Subject on a gurney. The Subject was secured in four-point restraints and was loaded into the ambulance. She was then transported to the hospital. NE#1 had no further interaction with her.

The Complainant later sent a letter to OPA, SPD, KCSO, and other police oversight bodies. In her letter, the Complainant raised a number of questions and concerns. Several of these related to the tasing of the Subject. Specifically, the Complainant asked why it was necessary to tase the nude Subject, what the Subject did to warrant the tasing, and whether officers attempted to de-escalate prior to using force.

After receiving the letter, OPA initiated an investigation into this incident. OPA's initial review indicated that several SPD officers, including NE#1, responded to the scene. NE#1's Body Worn Video (BWV) established that he did not use reportable force on the Subject and that his primary involvement was the determination that the Subject should be subject to an involuntarily detention. However, OPA could not initially conclusively determine whether any other SPD officers used reportable force on the Complainant or if any other SPD officers were present during or participating in the Taser application. Accordingly, OPA also included allegations surrounding the use of force and de-escalation against an unknown officer.

During its investigation, OPA was able to definitively establish that no SPD officers were present at the time of the Taser application. At the time SPD officers arrived on scene, the Subject had already been tased and was in handcuffs. As no SPD officers used force and since a KCSO officer applied the Taser, OPA does not have jurisdiction over this portion of the case. For this reason, OPA does not and cannot answer the Complainant's questions concerning why force was used, the need for that force, why a Taser was appropriate given the Subject's nudity and her mental illness, and whether officers de-escalated prior to using force.



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The Complainant did, however, have additional questions concerning the decision to involuntarily commit the Complainant and the overall SPD response to the incident. She asked whether the SPD officers on the scene were trained in Crisis Intervention, whether officers tried to cover the Subject up given her lack of clothing, whether there were female officers on scene, what medical treatment the Subject was provided, and why she was ultimately involuntarily detained.

OPA's investigation yielded answers to the Complainant's questions. First, at the time of the incident, NE#1 was a crisis trained officer. Moreover, other SPD officers on scene were also crisis trained. Second, after NE#1 responded to this incident, he tried to ensure that the Subject was covered with clothing, including working with the Subject's brother to cover her and placing a jacket over her. Moreover, NE#1 repeatedly sought a blanket to cover the Subject with. He ultimately wrapped the Subject in a blanket after the Taser probes were removed. Third, there were at least two female officers on scene, including a female patrol officer who directly assisted NE#1 during this incident. Fourth, the Subject received medical treatment from SFD and AMR personnel at the scene and prior to being transported to the hospital for further medical attention. However, given limitations on the disclosure of medical information, OPA does not know what care the Subject received once she was admitted into the hospital and whether or not she is still under receiving medical attention and from whom.

Fifth, and last, with regard to the decision to involuntarily detain the Subject, this is governed by SPD Policy 16.110-PRO-1. This policy provides guidance on when an officer may refer a subject for an involuntary mental health evaluation. The policy cites to the Revised Code of Washington (RCW) for the definition of when the subject meets the criteria for an involuntary detention. The RCW, in turn, states that such a detention is warranted where the subject: "is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled."

Based on OPA's review of the BWV, it appears clear that the Subject was in the throes of a profound mental health crisis. Prior to coming into contact with law enforcement, she was nude and was running through streets in downtown Seattle. Moreover, at that time, she was high on an unknown narcotic and suffering from schizophrenia. In addition, at the time she was first observed by NE#1, she appeared disoriented, scared, and in significant distress. She was paranoid and was largely unable to communicate with officers. Based on the totality of the information available to NE#1, he correctly determined that the Subject was suffering from a mental disorder that caused her to be gravely disabled. As a result, the Subject presented an imminent danger to herself and was at risk of suffering imminent harm. Given this, NE#1 acted consistent with policy and law when he involuntarily detained her.

For the above reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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

**Named Employee #2 - Allegations #1**

***8.200 - Using Force 1. Use of Force: When Authorized***

As discussed above, the Complainant raised concerns regarding the tasing of the Subject and whether the officer who tased the Subject, as well as other officers on-scene at the time, de-escalated prior to using force. It was unclear at the time this case was initiated whether or not any SPD officers were present at the time of the Taser application and, if so, whether SPD officers used reportable force against the Subject and/or failed to de-escalate.



OPA's investigation ultimately revealed that the Complainant was tased by KCSO employees and that this force occurred prior to any SPD officers arriving on scene. Accordingly, OPA was able to conclusively establish that no SPD employee used reportable force on the Subject and/or failed to de-escalate.

For these reasons, OPA recommends that this allegation, as well as Allegation #2, be Not Sustained – Unfounded.

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

**Named Employee #2 - Allegation #2**

***8.100 - De-Escalation 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Shall Use De-Escalation Tactics in Order to Reduce the Need for Force***

For the same reasons as stated above (see Named Employee #2, Allegation #1), OPA recommends that this allegation be Not Sustained – Unfounded.

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