



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 1, 2025

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

CASE NUMBER: 2021OPA-0381

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties 6. Employees May Use Discretion	Not Sustained - Lawful and Proper
# 3	5.001 – Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	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 when Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to a call of an individual (female) brandishing a weapon towards the Complainant, and that NE#1 discredited and discounted his version of the occurrence. The Complainant further alleged that NE#1 was condescending in his engagement with him. The Complainant alleged that the Named Employees dealt with the female individual as a “damsel in distress” and that they failed to investigate whether the female had a permit to carry a concealed weapon. The Complainant further alleged that NE#2 offered to assist the woman in unloading her vehicle and that this was not an impartial action considering that he also rang 911 for police assistance. The Complainant alleged that the Named Employees were unprofessional in their dealings with him and showed a lack of empathy for his complaint because he was a male.

ADMINISTRATIVE NOTE:

On June 17, 2022, OPA issued an abbreviated Director's Certification Memorandum finding all allegations in this case were Not Sustained. At that time, OPA noted an expanded Director's Certification Memorandum may be completed later at the Director's discretion. OPA now finalizes its findings as follows.



ANALYSIS AND CONCLUSIONS:

Following an investigation that the Office of Inspector General certified as thorough, timely, and objective, OPA's analysis is that the preponderance of the evidence does not establish that any policy violations occurred or rose to the level of misconduct.

OPA reviewed the evidence in this case, including the computer-aided dispatch (CAD) call report, incident report, and body-worn video (BWV). OPA also interviewed the Complainant and both named employees.

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

OPA finds that, more likely than not, NE#1 did not engage in bias-based policing. OPA's review of the evidence in this case showed NE#1 investigated this incident by speaking to both the male (Complainant) and female parties. NE#1 determined that the female party was working trying to unload scooters for her employers. The Complainant believed the female party was blocking a loading ramp and confronted her about it. Although the two presented differing accounts, both agreed the female showed the Complainant that she was armed with a firearm, but did not draw or point the firearm during the encounter. Based on this, NE#1 determined the female party did not commit a crime by showing the Complainant that she was armed. NE#1 denied this determination was based on the Complainant's gender and was, instead, based on the facts learned during his investigation.

For the reasons set forth above, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 - Allegation #2

5.001 – Standards and Duties 6. Employees May Use Discretion

OPA finds that, more likely than not, NE#1 did not use unreasonable discretion in this instance. NE#1 appeared to evaluate the facts provided to him by both parties and made a judgment call that the female party acted out of reasonable fear for her safety and displayed—but did not brandish—a firearm. This was consistent with an SPD Training Digest on this issue, which stated: "If the unlawful display of a weapon is not on-viewed, a warrantless arrest can be made only if there is a specific threat (verbal or a specific act) made to a third party." SPD Training Digest 13-00002. Similarly, NE#1 chose to provide a verbal warning to the female party concerning the differences in firearm laws in Washington State versus those of her recent state of residence. Considering the totality of the circumstances, this was a reasonable exercise of discretion.

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

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



Named Employee #1 - Allegation #3

5.001 – Standards and Duties 10. Employees Will Strive to be Professional

OPA finds that, more likely than not, NE#1 was not unprofessional. NE#1 took the accounts of both parties, reached a determination, and professionally resolved the call exercising a reasonable amount of discretion.

For the reasons set forth above, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 - Allegation #1

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

OPA finds that, more likely than not, NE#2—a former SPD Police Officer—did not engage in bias-based policing. The Complainant took specific issue with the fact NE#2 offered to assist the female party with unloading her scooters. NE#2 explained he did so for two reasons. First, the female party told him during the incident that she had recently given birth. NE#2 noted that he would have offered to assist anyone who had recently undergone a major medical incident with unloading scooters under these circumstances. Second, NE#2 noted that he and NE#1 were acting, at that juncture, in a role similar to a civil standby. The Complainant and female party had recently engaged in an altercation necessitating a police response. The cause of the altercation was the female party's use of a ramp to unload scooters. NE#2 stated that offered to assist with unloading the scooters to hasten the process and resolve the call more quickly.

For the reasons set forth above, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**