



CLOSED CASE SUMMARY

ISSUED DATE: JULY 15, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS, JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0052

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.300 – Patrol Ruses, 5.300-POL-2 Use of Patrol Ruses	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.300 – Patrol Ruses, 5.300-POL-2 Use of Patrol Ruses	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:

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to an apartment to arrest the Complainant for allegedly violating a no-contact order (NCO). The Complainant alleged that the named employees used deception in their attempt to arrest him.

ADMINISTRATIVE NOTE:

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 20, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On January 21, 2024, the Complainant left OPA a voicemail, saying officers went to his home and claimed that he contacted his ex-girlfriend in violation of an NCO, which the Complainant denied. OPA contacted the Complainant for further clarification. The Complainant told OPA that officers lied in attempting to get him to exit his apartment so they could arrest him. The Complainant said he refused to open the door for the officers and claimed that he would have opened it had the officers been honest about their intent to arrest him.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, incident report, NCO, and body-worn video (BWV). OPA also interviewed the Complainant.



On January 21, 2024, at 1:31 PM, CAD call remarks noted, “INV[ESTIGATE] ORDER VIOLATION, [EX-BOYFRIEND] IS SENDING [REPORTING PARTY] MESSAGES ON FACEBOOK. NO [WEAPONS]. POSS[IBLY] HIGH. NOT EXPECTED/ENROUTE.” At 3:18 PM, CAD call remarks noted, “[AN OFFICER] REQ[UESTED] UNITS CHECK FOR SUSP[ECT] OF [DOMESTIC VIOLENCE] ORDER VIOLATION AND ARREST IF LOCATED, THERE IS [PROBABLE CAUSE].”

Witness Officer #1’s (WO#1) incident report documented that dispatch located an NCO¹ listing Community Member #1 (CM#1)—the Complainant’s ex-girlfriend—as the petitioner and the Complainant as the respondent. WO#1 wrote that, according to CM#1, the Complainant repeatedly messaged her on Facebook and tried to call or text her using a different phone number. WO#1 wrote that she requested officers to respond to the Complainant’s apartment because there was probable cause to arrest the Complainant for an NCO violation.

The named employees responded to the Complainant’s apartment and activated their BWV, capturing the following:

NE#1 knocked on the Complainant’s door. The Complainant spoke through the door without opening it, asking what the officers needed. NE#1 said they wanted to talk to the Complainant and asked him to open the door. The Complainant said, “No answer questions.” NE#1 said, “Oh, okay. We just want to talk. You’re not in trouble.” The Complainant’s response was inaudible. NE#2 knocked on the Complainant’s door, asked for his name, and said they just wanted to talk. NE#1 stepped aside and was advised via radio that there was probable cause to arrest the Complainant. NE#1 radioed that they would watch the apartment and arrest the Complainant if he exited. NE#1 checked the area for exits.

The Complainant told NE#2 that officers were violating his rights and trying to arrest him. NE#2 asked for the Complainant’s side of the story and whether he contacted CM#1, but the Complainant denied any contact. NE#2 asked the Complainant to exit and talk since the Complainant claimed he did nothing wrong. The Complainant said the police lied to him, citing a prior incident in which officers arrested him after he opened the door. NE#2 told the Complainant he was under arrest for contacting CM#1 in violation of an NCO. The Complainant denied contacting CM#1, and the named employees requested proof. The Complainant went to his window and showed NE#1 his Facebook messages. NE#1 said, “I can’t see, man. It’s too far.”² NE#1 sent the Complainant a link for him to upload screenshots of his Facebook messages. NE#1 reviewed those screenshots in his patrol vehicle.

NE#1 and Witness Officer #2 (WO#2) conversed about the Complainant likely deleting his Facebook messages. NE#1 reapproached the Complainant’s apartment door. WO#2 told the Complainant that officers had probable cause for his arrest based on Facebook messages CM#1 provided to them. WO#2 suggested they compare messages on the Complainant’s phone with the messages on CM#1’s phone. The Complainant refused to exit his apartment, and the officers left the scene.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.300 – Patrol Ruses, 5.300-POL-2 Use of Patrol Ruses

¹ Seattle municipal court issued the NCO, which prohibited the Complainant from communicating with CM#1.

² NE#1 was on the ground floor while the Complainant’s window appeared to be on the second floor.



The Complainant alleged that the named employees used deception in their attempt to arrest him.

A patrol ruse is an officer's act of deception intended to achieve a person's cooperation. SPD Policy 5.300-POL-1. Patrol ruses will be reasonable in scope and narrowly tailored to meet a specific, legitimate, and lawful purpose. SPD Policy 5.300-POL-2. Patrol ruses may be used to further de-escalation, to calm or provide comfort to a person, to promote a person's safety, for scene management, or to bring potentially violent situations to a peaceful resolution. *Id.* Patrol ruses may also be used for investigative purposes where there is reasonable suspicion of a crime. *Id.*

The named employees, having probable cause for an NCO violation, asked the Complainant to exit his apartment because they wanted to talk to him. NE#1 also told the Complainant he was "not in trouble." These statements appeared to constitute a patrol ruse because they were intended to achieve the Complainant's cooperation through deception and was reasonable in scope and narrowly tailored to meet a specific, legitimate, and lawful purpose. Here, the ruse was intended to further the NCO violation investigation since the named employees requested to hear the Complainant's side of the story and offered him the opportunity to prove his innocence. When the patrol ruse failed, NE#2 informed the Complainant that there was probable cause for his arrest based on the NCO violation.

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

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

Named Employee #2 – Allegation #1

5.300 – Patrol Ruses, 5.300-POL-2 Use of Patrol Ruses

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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