



CLOSED CASE SUMMARY

ISSUED DATE: MAY 14, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0330

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 3	6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Sustained

Proposed Discipline

9 hours (1-Day) Suspension to 27 hours (3-Days) Suspension
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Imposed Discipline

9 hours (1-Day) Suspension

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 3	6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	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.

ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes



and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

EXECUTIVE SUMMARY:

The named employees (NE#1, NE#2, and NE#3) responded to a burglary call resulting in Community Member #1's (CM#1) arrest. CM#1 alleged that NE#1 and NE#3 unlawfully detained him, used excessive force during handcuffing, and exhibited racial bias. CM#1 also alleged that NE#2 used excessive force by slamming him against the hood of a patrol car and that such force exhibited racial bias.

ADMINISTRATIVE NOTE:

The allegations against NE#1 and NE#3 were 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 NE#1 and NE#3. As such, OPA did not interview NE#1 and NE#3 in this case. On September 24, 2024, OIG certified OPA's expedited investigation as thorough, timely, and objective.

The allegations against NE#2 underwent a full investigation. On January 31, 2025, OIG certified OPA's full investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On August 12, 2024, the Complainant, a police sergeant, submitted an OPA complaint on CM#1's behalf, documenting CM#1's allegations. CM#1 alleged that officers unlawfully detained him and were motivated to arrest him, a Black man, based on a white man's accusations. CM#1 also alleged that officers used excessive force by slamming him to the ground, stomping on him, slamming him against the hood of a patrol car, and twisting his arm.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), in-car video (ICV), incident reports, and use-of-force reports. OPA also interviewed NE#2. CM#1 did not respond to OPA's multiple requests for an interview.

B. Computer-Aided Dispatch (CAD) Call Report and Body-Worn Video (BWV)

On August 7, 2024, at 8:51 PM, CAD call remarks noted, "[REPORTING PARTY] LOCATED 2 SUBJ[ECT]S INSIDE VEH[ICLE], REFUSING TO LEAVE AND REQ[UEST] MEDICS, APPEAR HIGH/INTOX[ICATED], SUBJ[ECT]S HAVE ALCOHOL/NARC[OTICS] INSIDE VEH[ICLE], NO WEAPONS." At 9:30 PM, CAD noted that a male suspect forcibly entered the building by shattering a window and entering through it. At 9:32 PM, CAD noted that the suspect was a former employee who had been terminated for drug and alcohol use. At 9:35 PM, CAD noted that the suspect continued to smash windows with an unknown object.

C. Body-Worn Video (BWV) and In-Car Video (ICV)



BWV and ICV recorded the following:

NE#1 and NE#3 responded to the incident location, where CM#1 was with Community Member #2 (CM#2). CM#1 raised his hands, displaying a brace on his right hand and blood on his left. CM#2 fled, prompting NE#1 to chase him. NE#1 caught up and ordered CM#2 to lie on the ground, and he complied, though he was not handcuffed. Meanwhile, NE#3 grabbed CM#1's right wrist and ordered him to lie on the ground, but CM#1 disobeyed. NE#3 guided CM#1 toward a semi-truck and positioned his arms behind his back. NE#1 returned to assist NE#3 in handcuffing CM#1. Subsequently, NE#1 went back to CM#2 and handcuffed him. NE#3 began to escort CM#1 away from the semi-truck, but CM#1 resisted. NE#3 guided CM#1 to the ground on his side. A security guard held CM#1 on the ground as NE#3 requested. NE#3 then ran to assist NE#1 in escorting CM#2 back.

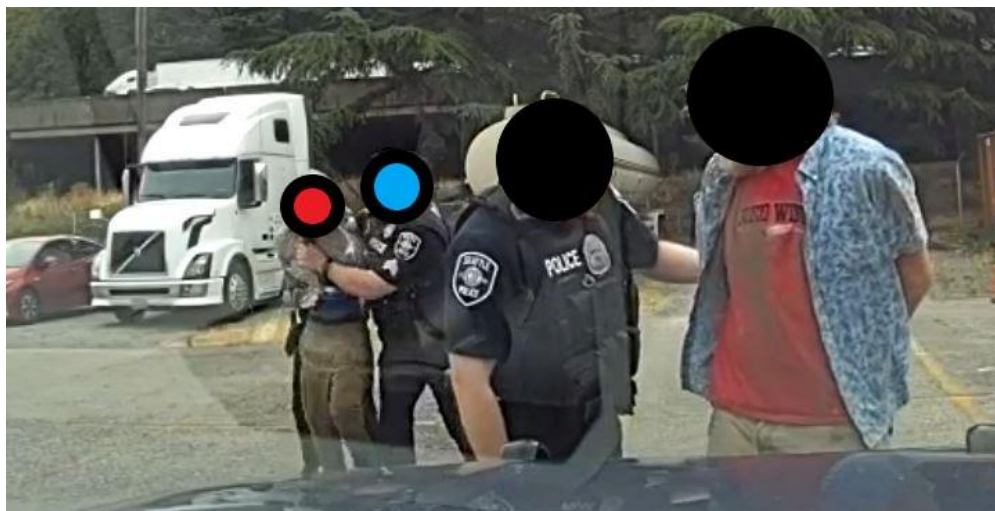
NE#3 returned to CM#1, helped him stand, and began escorting him to a patrol car. As NE#3 was supporting CM#1 from behind, NE#2 approached. CM#1 (red) leaned back toward NE#3 (green):



NE#3 shouted, "Walk right!" NE#3 grabbed the back of CM#1's sweater with both hands as CM#1 stumbled just before NE#2 grabbed CM#1:



Using both hands, NE#2 (blue) grabbed CM#1 and pulled him away from NE#3's grasp:



NE#2 moved CM#1 to the side of a patrol car and thrust CM#1's upper body against the hood, resulting in CM#1's face being impacted against the surface and his glasses becoming dislodged:



While visibly shaking and angry, NE#2 shouted, "Stay here!" NE#2 restrained CM#1's upper body against the hood:



CM#1's mouth bled.¹ CM#1 exclaimed, "I'm a kid!" Visibly frustrated, NE#2 replied, "You're not a kid right now. You wanted to play like you were being a big kid. You're not gonna play like a big kid." CM#1 stated, "You're hurting me." NE#2 countered, "You were fighting with my officer," a claim CM#1 denied. NE#2 continued, "Well, then you should've complied." CM#1 asked, "Why you hurting me now?" NE#2 responded, "I don't trust you right now."

CM#1 was eventually transported to the King County Jail.

D. Use-of-Force Statement

NE#2's type II² use-of-force statement documented the following:

NE#2 was responding to a trespass call that was escalating due to the trespasser arming himself with a "weapon of opportunity" and smashing a business' window. NE#2 described CM#1 as high or drunk, agitated, tolerant of pain, and possibly violent, as evidenced by his use of a makeshift weapon to damage property and instill fear in the occupants. NE#2 believed CM#1 posed a threat if not "aggressively controlled," given his noncompliance and resistance.

NE#2 saw NE#3 escorting CM#1, who was noticeably larger in stature. CM#1 pushed against NE#3, attempting to escape her hold, and caused NE#3 to stumble. CM#1 appeared to be trying to face NE#3 or headbutt her. NE#2 was concerned that if NE#3 fell, CM#1 could kick or stomp on her or flee. To provide support, NE#2 approached NE#3, given his greater size compared to CM#1. NE#2 described his force as follows:

I then grabbed the suspect by his left arm with my left hand. I turned to the nearest patrol car which was about 12 feet away. Since the suspect appeared off balance, I used that to pull him toward the patrol car keeping him off balance. At the patrol car

¹ Witnesses, NE#1, and NE#3 reportedly saw blood in CM#1's mouth before NE#2 engaged CM#1. OPA was unable to validate such claim through BWV review.

² Type II is force that causes, or is reasonably expected to cause, physical injury greater than transitory pain but less than great or substantial bodily harm. SPD Interim Policy 8.050 (effective May 19, 2023).



I ran the suspect's legs and hips into the side of the patrol car while applying pressure to his upper back causing the suspect to fall forward onto the hood of the vehicle, this happened very quickly. Although I don't recall the suspect striking the hood of the car with his head/face, I believe he did. ... After landing on the hood of the car the suspect's lower lip on the left side was noticeably swollen and there was obvious blood in his mouth and around his teeth. ... I began to believe that I had caused the injury when I put the suspect on the hood of the patrol vehicle. ... I did not intentionally mean to hurt the suspect's mouth. I initially had no idea I had caused the injury.

NE#2 wrote that he positioned CM#1 against the hood of the patrol car, where CM#1 constantly pushed back. NE#2 restrained CM#1 by applying pressure to his upper back. By securing CM#1 against the hood, NE#2 effectively placed him in a disadvantageous position, while NE#2 maintained an advantageous position due to superior leverage. NE#2 was concerned that CM#1 would seize any opportunity to attack if not adequately restrained.

E. OPA Interview

On January 13, 2025, OPA interviewed NE#2. He said he was enroute to the scene when he received information indicating that NE#1 and NE#3 were "fighting with two" but learned that the subjects were taken into custody. He described his use of force against CM#1 consistent with his use-of-force statement summarized above. He denied striking CM#1 or slamming CM#1's face against the hood of the patrol car. He said he used force to prevent CM#1 from assaulting NE#3 or attempting to escape. He believed he used minimal force to subdue CM#1's resistance, which he described as effective, but did not believe such force could have caused CM#1's mouth injury. He said his force was a response to CM#1's resistant behavior, not CM#1's race or ethnicity.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

CM#1 alleged that NE#1 and NE#3 exhibited racial bias.

Biased policing means "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual." SPD Policy 5.140-POL. It includes different treatment based on race. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

This allegation is unfounded. NE#1 and NE#3 arrested CM#1 based on their investigation into burglary and property damage. Their *de minimis* use of force during and after CM#1's arrest was in response to his noncompliance. NE#1 and NE#3 appropriately considered CM#1's race only as part of a specific suspect description, as permitted under SPD policy. *See* SPD Policy 5.140-POL-3 (allowing officers to consider race in establishing reasonable suspicion or probable cause only when it is "part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident"). Aside from this permissible racial consideration, OPA found no evidence showing that race impacted NE#1's or NE#3's decisions or actions.



Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #1 – Allegation #2

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

CM#1 alleged that NE#1 and NE#3 used excessive force by slamming him to the ground, stomping on him, and twisting his arm.

Officers 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 persons. SPD Interim Policy 8.200(1) (effective April 24, 2023). Reasonability must consider that officers are often forced to make split-second decisions about the force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the officers' 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 officer or others. SPD Interim Policy 8.050 (effective May 19, 2023). Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to officers and others. *Id.* Officers must rely on training, experience, and circumstances to decide an appropriate level of force. *Id.*

This allegation is unfounded. Neither NE#1 nor NE#3 slammed CM#1 to the ground, stomped on him, or twisted his arm. During their interaction with CM#1, NE#1 and NE#3 applied *de minimis* force to restrain CM#1's movements. NE#1 and NE#3 handcuffed CM#1, and NE#3 subsequently guided him to the ground, where a security guard held him for some time. Upon NE#3's return, she attempted to escort CM#2 to a patrol car. The totality of NE#1's and NE#3's use of force was lawful and proper, given that CM#1 was under arrest and noncompliant. Lastly, there was no evidence suggesting that NE#1 or NE#3 caused CM#1's bleeding. Before NE#1 and NE#3 arrived, CM#1 was already bleeding from his left hand, and several witnesses reported seeing blood in CM#1's mouth.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #1 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

CM#1 alleged that NE#1 and NE#3 unlawfully detained him.

Terry stops are seizures of an individual and, as such, must be based on reasonable suspicion to be lawful. SPD Policy 6.220-POL-2(1). A Terry stop is a brief, minimally intrusive seizure of a subject based on reasonable articulable suspicion to investigate possible criminal activity. SPD Policy 6.220-POL-1. Reasonable suspicion means specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that



there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct. *Id.* The reasonableness of a *Terry* stop is based on the totality of the circumstances, the officer's training and experience, and what the officer knew before the stop. *Id.* While information learned during the stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, it cannot justify the original stop. *Id.*

NE#1 and NE#3 had sufficient reasonable suspicion to detain CM#1. A 911 caller reported that a fired employee (CM#1) was smashing windows and attempting to reenter the building. CM#1 matched the physical description relayed to the police. Once CM#1 was handcuffed, further investigation reinforced probable cause for CM#1's arrest. Specifically, witness accounts and the physical evidence at the scene, including blood, a shattered window, and metal rods from the semi-truck, indicated burglary and property damage.

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

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

CM#1 alleged that NE#2 exhibited racial bias.

This allegation is unfounded. BWV and ICV showed NE#2 reacting to CM#1's noncompliance. First, video showed CM#1 leaning back toward NE#3 while being escorted. Second, CM#1 appeared to push back when NE#2 positioned him against a patrol car. NE#2's actions indicated a desire to ensure adequate control over CM#1 and frustration with CM#1's actions towards NE#3, rather than any indication of racial bias.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

CM#1 alleged that NE#2 used excessive force by slamming him against the hood of a patrol car.

This allegation is sustained. NE#2's use of force was objectively unreasonable, unnecessary, and disproportionate under the circumstances. NE#2's concern about CM#1 potentially preparing to attack NE#3 or flee was speculative and seemingly unsupported by video footage. Video footage showed CM#1 leaning backward and stumbling, prompting NE#3 to intervene by grabbing his sweater and shouting, "Walk right!" While CM#1's behavior might be construed as noncompliant, it did not constitute an assault. Moreover, the threat or resistance CM#1 posed was considerably diminished since he was already handcuffed and physically restrained from behind by NE#3. In addition to NE#2 and NE#3, three other officers were present. This indicated that NE#2 could have chosen a team approach to further restrain CM#1, if CM#1, while handcuffed, posed a significant threat or was assaultive. However, NE#2 opted against a team strategy and instead acted unilaterally by forcefully and unnecessarily pulling CM#1 away from NE#3 and moving him toward a patrol car—a maneuver facilitated by NE#2's considerable size advantage over CM#1.



Subsequently, NE#3 forcefully thrust CM#1's upper body against the hood, resulting in CM#1's face being impacted against the surface and causing or exacerbating a mouth injury. Overall, a preponderance of the evidence showed that NE#2's use of force was unauthorized and excessive.³

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #3 – Allegation #1

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

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #2

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

For the reasons articulated in Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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

³ OPA notes that NE#2's use of force to restrain CM#1 against the patrol vehicle was lawful and proper. However, OPA finds that NE#2's use of force resulting in CM#1's face impacting the hood was excessive.