



## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 26, 2025

FROM: DIRECTOR GINO BETTS, JR.   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0403

### Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	8.300 - Use of Force Tools, 8.300-POL-3B Taser 10, 6. Tasers Should Not Be Used on A Person Who Is Fleeing...	Not Sustained - Management Action

***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, an SPD supervisor, alleged Named Employee #1 (NE#1) violated policy by deploying his Taser at a fleeing Suspect absent justifying factors.

### ADMINISTRATIVE NOTE:

On January 21, 2025, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the internal (Blue Team) complaint, use of force documentation, Force Review Board (FRB) action, computer-aided dispatch (CAD) call report, and body-worn video (BWV). OPA also interviewed NE#1.

#### *1. Blue Team Complaint*

In his Blue Team complaint, the Complainant wrote that NE#1 used force inconsistent with policy by deploying his Taser at a fleeing Suspect “absent other factors.” The Complainant noted that NE#1 explained his belief that the “physical factors” of the Suspect made NE#1 believe apprehending the Suspect would result in a “physical fight – and possibly [a use of] greater leaver of force leading to injury to either himself or the suspect.” The Complainant also noted NE#1 was the only officer on scene. The Complainant opined that NE#1’s concerns were “reasonable,” but noted his Taser deployment still violated policy.

#### *2. Use of Force Documentation*

NE#1 recounted the incident in his use of force report.



NE#1 wrote that he was dispatched as a “backing officer” to an assault call. The call remarks showed the 911 call concerned a Suspect “attempting to attack a child.” The 911 caller also reported he intended to intervene by using “bear spray” on the Suspect, who was described as punching a fifteen-year-old minor. The 911 caller described the Suspect as a Black male in his thirties, wearing a durag, no shirt, and black pants.<sup>1</sup>

NE#1 wrote that he arrived before the primary officer on the call because NE#1 was close to the incident location. NE#1 wrote he observed the Suspect—a shirtless Black male wearing black jeans and a durag standing near a group of people at the call location. NE#1 wrote that, as he approached, the Suspect noticed him and fled on a bicycle. NE#1 wrote that multiple people at the call location identified the Suspect by pointing him out and stating, “that’s him!”

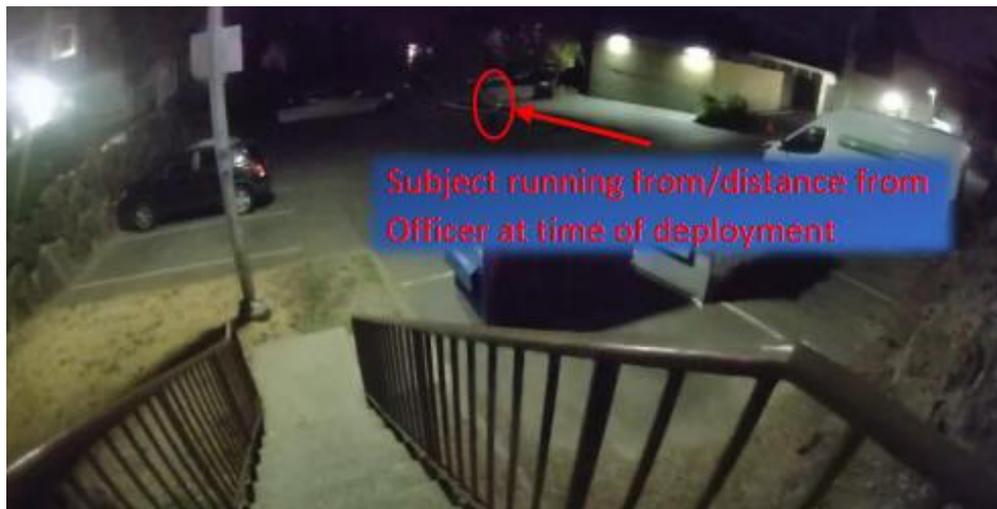
NE#1 pursued the Suspect before the Suspect’s bicycle collided with NE#1’s vehicle. NE#1 wrote the Suspect dismounted from his bicycle and fled on foot. NE#1 wrote he drew his Taser, gave verbal commands and warnings to the Suspect, and pursued the Suspect down a flight of stairs.

NE#1 wrote that, as the Suspect was about “40 to 50 feet away” from him, NE#1 stopped and fired two Taser probes at the Suspect. NE#1 wrote that neither Taser probe contacted the Suspect. NE#1 wrote that he then lost sight of the Suspect, who escaped.

NE#1 wrote he deployed his Taser because he was pursuing a Suspect who reportedly assaulted a child. NE#1 described the Suspect as a man in his twenties or thirties in “good physical shape” with a “muscular build.” NE#1 said the Suspect “ran much faster” than him, causing him to believe he would “resist forcefully upon physical contact.” NE#1 wrote he believed such a fight would be “reasonably likely to cause injury to the suspect and/or myself.” NE#1 noted he did not have a backing unit with him.

### 3. *Body-Worn Video*

OPA reviewed NE#1’s BWV, which was consistent with his Use of Force documentation. Below is a screenshot from the time of NE#1’s Taser deployment.



<sup>1</sup> OPA also reviewed the CAD call report which corroborated this information.



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4. OPA Interview – Named Employee #1

NE#1's OPA interview was consistent with his Use of Force documentation.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

**8.300 - Use of Force Tools, 8.300-POL-3B Taser 10, 6. Tasers Should Not Be Used on A Person Who Is Fleeing...**

The Complainant alleged that NE#1 violated policy by deploying his Taser at a fleeing subject “absent other factors.”

On the date of this incident, SPD policy prohibited officers from deploying a Taser on a person fleeing a scene, “absent other factors.” SPD Interim Policy 8.300-POL-3B(6) (revised effective date 12/01/2023).

OPA finds that NE#1 may have acted contrary to policy but, due to a lack of clarity in SPD policy or training, a Management Action is the most appropriate resolution to this incident. In reaching this finding, OPA notes that the Complainant—the administrative lieutenant in NE#1's command—already recommended NE#1 be retrained through the Department Taser program. The Management Action Recommendation does not prohibit such retraining and, for the reasons stated below, OPA would have otherwise recommended a Training Referral.

OPA is skeptical about NE#1's decision to stop pursuing the Suspect on foot to deploy his Taser at a running subject from a distance of “40 to 50 feet away.” The maximum range of NE#1's Taser—the “TASER 10”—was forty-five feet.<sup>2</sup> With the Suspect at the further edge of the Taser's maximum range, and continuing to run away, NE#1 had an extremely low chance of accurately hitting the Suspect with the two Taser probes necessary for a successful deployment.<sup>3</sup> In fact, NE#1 fired two probes and failed to strike the Suspect even once. Moreover, the low odds NE#1 could accurately target his Taser under these circumstances increased the likelihood of unintentionally hitting unpreferred targets such as the chest, head, neck, or genitals.<sup>4</sup> Finally, given NE#1's concerns about the public danger posed by the Suspect, stopping his foot chase for this low-probability Taser deployment was ill advised.

That aside, OPA finds that SPD policy provides unclear guidance on when such a deployment would be permissible.<sup>5</sup> After generally prohibiting the use of Tasers on fleeing subjects, the policy suggests that “other factors” may make such a deployment permissible. But the policy does not offer any guidance as to what factors an officer or the chain of command should consider in reviewing these situations. OPA also notes that SPD's FRB, in reviewing another case, issued an FRB Action with the following language:

*The FRB noted that different chains of command have inconsistently understood and articulated the policy, some of which conclude that officers are never allowed to tase a fleeing subject. The Board requested feedback be sent to the Policy Unit to consider revising the policy and including a list of acceptable “other factors.”*

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<sup>2</sup> <https://www.axon.com/products/taser-10>

<sup>3</sup> SPD Interim Policy 8.300-POL-3(B)(9) (“A minimum of two individually fired probes are required to make a connection.”) (revised effective date 12/01/2023).

<sup>4</sup> SPD Interim Policy 8.300-POL-3(B)(8) (revised effective date 12/01/2023).

<sup>5</sup> OPA notes that the interim policy in effect on the date of the incident and the current policy are identical in substance.



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OPA joins FRB in seeking clarity on this subject. OPA notes that in another recent case, there was also a lack of clarity as to when a subject was considered as “fleeing the scene.”<sup>6</sup> In that case, OPA found the subject was not “fleeing” as he was not yet “running from” the officers, despite the fact the subject pulled away from officers and opened a door while trying to escape apprehending officers.

Accordingly, OPA recommends this allegation be Not Sustained – Management Action.

- **Management Action:** SPD should revise SPD Policy 8.300-POL-10(6) to provide guidance regarding: (1) when a subject is “fleeing the scene,” and (2) what “other factors” should be considered to evaluate whether a Taser may be deployed at a fleeing subject.

Recommended Finding: **Not Sustained – Management Action**

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<sup>6</sup> 2024OPA-0164.