



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 13, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0292

Allegations of Misconduct & Director's Findings

Named Employee #1

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

Named Employee #2

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

Named Employee #3

Allegation(s):		Director's Findings
# 1	8.200 – Using Force 1. Use of Force: When Authorized	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force 1. Use of Force: When Authorized	Not Sustained - Lawful and Proper (Expedited)

Named Employee #4

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

Named Employee #5

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

Named Employee #6

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

Named Employee #7

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

Named Employee #8

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

Named Employee #9

Allegation(s):		Director's Findings
# 1	8.100 – De-Escalation 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force 1. Use of Force: When Authorized	Not Sustained - Unfounded (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 Employees #1 through #9 (NE#1 through NE#9) detained the Complainant for trespassing. NE#1, NE#3, NE#5, and NE#7 attempted to handcuff the Complainant, who resisted. During the struggle, NE#1 kned the Complainant's face twice. The Complainant alleged that the named employees used unauthorized force. The Complainant further alleged that the named employees failed to de-escalate before applying force.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation with respect to NE#2 through NE#9. Additionally, the de-escalation allegation against NE#1 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 NE#2 through NE#9 in this case. OPA also did not interview NE#1 with respect to the de-escalation allegation against him. On August 8, 2023, OIG certified OPA's Expedited Investigation as thorough, timely, and objective.



This unauthorized force allegation against NE#1 underwent a full investigation. On September 15, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On July 6, 2023, OPA received a complaint and opened an investigation. OPA's investigation included reviewing the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), in-car video (ICV), photographs, incident and supplement reports, and use-of-force reports, statements, and investigation. OPA also interviewed NE#1 concerning his alleged applications of unauthorized force.

A. OPA Complaint

The Complainant filed an online OPA complaint. The Complainant wrote that Seattle Police Department (SPD) officers investigated him for trespassing and arrested him but did not tell him why. The Complainant wrote that he was compliant, but, nevertheless, four officers failed to use de-escalation tactics, grabbed him, and handcuffed him. The Complainant wrote, "The officers then used an unreasonable and completely disproportionate amount of force by slamming my body and face into the ground. My nose started bleeding and my face was in severe pain." The Complainant wrote that "the obscene amount of force used by the officers was completely disproportionate to the charge of trespass." The Complainant wrote that he posed no imminent threat and the officers did not attempt to gather account.

B. Computer-Aided Dispatch (CAD) Call Report

On April 2, 2023, at 10:20 PM, CAD call remarks noted an intoxicated nonresident refusing to leave the ninth floor of an apartment building. The 9-1-1 caller reported that a suspect entered an unsecured apartment, knocked on other residents' doors, and looked through their peepholes. CAD noted the suspect's physical description.

C. Body-Worn Video (BWV), In-Car Video (ICV), Photographs, and Incident and Supplement Reports

OPA reviewed NE#1's, NE#3's, NE#7's, and Witness Officer #1's (WO#1) BWV. OPA also reviewed NE#3's and WO#1's ICV. Collectively, the following was captured:

NE#1 responded to the apartment and spoke with Community Member #1 (CM#1)—the reporting party—who identified the Complainant. CM#1 reported that the Complainant followed a resident into an apartment, went to the ninth floor, and entered an unlocked apartment. CM#1 reported that the unit's resident arrived and forced the Complainant out. CM#1 reported that the Complainant banged on other residents' doors, trying to enter their units. CM#1 reported that the Complainant threw juice at the building's staff and left when they asked him to leave.

WO#1 and NE#7 approached the Complainant, who was across the street. WO#1 went to the Complainant's left side, while NE#7 went to the Complainant's right side. WO#1 and NE#7 frisked the Complainant. WO#1 told the Complainant he was detained. NE#1, NE#3, and NE#5 approached. NE#1 pointed toward the apartment building and asked whether the Complainant entered it. The Complainant replied no and expressed confusion about which building NE#1 referenced. The Complainant gave the officers a false name. WO#1 went to verify the Complainant's information, while NE#1 replaced WO#1 on the Complainant's left side.



During their conversation, the Complainant spat in the officers' directions, but not on them. NE#3 ordered the Complainant to stop spitting. The Complainant looked toward the officers surrounding him and aimed his index finger like a gun at them. NE#5 wrote in a supplement report, "With my training and experience, the indicators shown were clues of someone who was either going to attack officers or attempt to flee the scene." NE#1 wrote in a supplement report, "[The Complainant's] body language was making me extremely nervous. He was displaying several pre-attack indicators, which led me to the decision to place him into handcuffs for the duration of the investigation." Away from the Complainant, NE#1 formed an "X" with his arms—described in NE#3's supplement report as "a universal sign of placing the suspect in handcuffs." NE#1, NE#3, NE#5, and NE#7 approached to handcuff the Complainant.

NE#1 and NE#7 positioned the Complainant's arms behind his back. NE#1 said, "Don't fight. Do not fight." As NE#1 pulled out handcuffs, the Complainant asked, "What are you guys doing?" The Complainant moved his arm, preventing NE#1 from applying the handcuffs, leaned forward, and moved his body toward a police vehicle, causing NE#1 to contact that vehicle. NE#1, NE#3, NE#5, and NE#7 attempted to bring the Complainant to the ground, while the Complainant resisted and yelled, "Get off of me!" NE#7 conducted a leg sweep, bringing the Complainant down momentarily before the Complainant returned to his feet. The struggle moved into the street. During the struggle, NE#1 kned the Complainant's face twice, bringing him to the ground.¹ Officers struggled with the Complainant on the ground as he resisted handcuffing by pulling his arms away. Officers eventually handcuffed the Complainant. NE#7 said, "I think he's bleeding from his face." The Complainant said, "Yeah, I'm fucking bleeding." Officers placed the Complainant in the recovery position. The Complainant said, "I was attacked. I fought back. You saw that shit." An officer issued *Miranda* warnings.

The Seattle Fire Department (SFD) arrived and evaluated the Complainant's injury. NE#7 screened the arrest with NE#2—a sergeant. As NE#5, NE#6, and NE#7 escorted the Complainant to a police vehicle, he pulled away and "donkey kicked" NE#7's shin. Officers brought the Complainant to the ground. An officer said, "Stop resisting." Officers then transported the Complainant to the King County Jail.

NE#2 photographed the Complainant's face, capturing a nose laceration and blood around his nose and mouth. An abrasion on the Complainant's right hand was also photographed.

OPA reviewed NE#8's incident report. OPA also reviewed NE#1's, NE#2's, NE#3's, NE#4's, NE#5's, NE#7's, and WO#1's supplemental reports. These reports were consistent with the evidence summarized above but did not reference NE#1's knee strikes. However, NE#1's knee strikes were documented in Use of Force Reports.

D. Use of Force Statements

1. Named Employee #1 (NE#1)

NE#1 wrote a Type II² use of force statement. NE#1 wrote that he established probable cause to arrest the Complainant for misdemeanor assault and residential burglary after he spoke with CM#1. NE#1 wrote, "While standing with the [Complainant], I made the decision to place him into handcuffs for the duration of the investigation

¹ Although not fully captured on BWV due to the proximity of the Complainant with the officers, NE#1 described his knee strikes in his use of force statement and interview.

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 Policy 8.050. Examples of Type II force include, among other things: abrasion; laceration; takedown that causes injury or is reasonably expected to cause injury; and abrasion, laceration, or bruising caused by handcuffs or handcuffing. SPD Policy 8.400.



due to him displaying pre-attack indicators and body language that was making me extremely nervous.” NE#1 wrote that the indicators included arguing semantical points about the incident, evading questions, stalling for an opportunity to escape or attack, diverting officers’ attention from the investigation, and attempting to get officers focused on nonsensical points. NE#1 described the Complainant as shifting his weight from foot to foot in a fighting stance, glancing in all directions, gauging barriers behind him, gauging weaknesses he could exploit to flee, and assessing the officers.

NE#1 wrote that the Complainant wore a heavy Carhartt jacket, which led him to believe that a TASER deployment would be unsuccessful. NE#1 wrote that the Complainant was shorter in stature but had a muscular, dense build, leading him to believe that he could be difficult to restrain during a struggle or a fight. NE#1 wrote that his de-escalation method was to handcuff the Complainant. NE#1 wrote that the conversation with the Complainant was unproductive, and because the Complainant was not verbally aggressive, NE#1 did not attempt verbal de-escalation. NE#1 wrote that time, distance, and shielding were unfeasible because officers detained the Complainant and limited his movement by standing close to him.

NE#1 described the Complainant’s resistance after officers attempted to handcuff him. NE#1 wrote, “[t]he lawful purpose of the force at this point shifted from not only effecting an arrest, but also the defense of myself and my fellow officer.” NE#1 wrote that he attempted to employ a department-trained defensive tactic that involved controlling the Complainant’s head by clasp his hands around the back of the Complainant’s head and bringing the Complainant’s head forward to his chest. NE#1 wrote that the tactic was unsuccessful due to the Complainant’s short stature and active resistance, including “thrashing” his arms and “running.” NE#1 wrote that four officers struggled to control the Complainant and “began to stumble in a mass.”

NE#1 wrote that the Complainant grabbed NE#1’s shoulder—limiting NE#1’s ability to assert control over the Complainant. NE#1 felt like the Complainant “was physically assaulting me and possibly my partners.” NE#1 wrote that the Complainant forced officers into the street during the struggle and that the “group came dangerously close to the lane [of] travel.” NE#1 wrote that, based on his training and experience, “the longer a fight is allowed to go on, the likelihood of injury to all parties increases exponentially.” NE#1 wrote that he needed to employ “a more direct intervention tactic” to end the struggle. NE#1 wrote the following:

While standing in front of [the Complainant], I could see that he was trying to free his arms from my fellow officer. He was bent over slightly at the waist, but still standing on his feet and actively resisting. At this time, I elected to use a knee strike, which is a department trained tactic, in order to protect myself and my fellow officer. I intended to use the muscular part of my knee where it becomes the bottom of my thigh. At the time, both of my hands were occupied with trying to control [the Complainant’s] head and I did not believe there was a reasonably effective alternative available to myself or my fellow officers to gain voluntary compliance from [the Complainant]. In accordance with SPD defensive tactics training, I used my right knee to strike [the Complainant] in his face, which was the only feasible target available to me at the time. As I did so, [the Complainant] stated something to the effect of, “Ow!”, indicating to me that my strike had landed effectively and I had temporarily distracted him from fighting. [The Complainant] did continue to fight, however, which prompted me again four seconds later to deliver a second knee strike, also to [the Complainant’s] face. [The Complainant] stated something to the effect of, “Fuck!”. This second strike appeared to effectively break down [the Complainant’s] posture, allowing the group to force him down onto the ground. Seeing that a crucial step in controlling [the



Complainant] had been achieved, I did not believe that additional strikes were necessary.

NE#1 wrote that the force used involved “strength and arrest techniques.” NE#1 concluded that, based on several officers being present and the close quarters of the struggle, using less lethal tools was unfeasible and imprudent.

2. Named Employee #4 (NE#4)

NE#4 wrote a use of force statement. NE#4 wrote that officers struggled to gain control the Complainant, who grunted, clenched his fists, and pulled his arms away. NE#4 wrote that she displayed her TASER and provided a deployment warning but the Complainant was handcuffed before she had to use it.

3. Named Employee #6 (NE#6)

NE#6 wrote a Type I³ use of force statement. NE#6 wrote that the Complainant was handcuffed when NE#6 arrived. NE#6 wrote that he was behind the Complainant when the Complainant attempted to pull away from NE#5 and NE#7 during their escort. NE#6 wrote that he helped guide the Complainant to the ground by applying downward pressure on the Complainant’s back using his knee. NE#6 wrote that this force was necessary to control the Complainant and prevent further assaults. NE#6 wrote that he grabbed the Complainant’s left wrist to maintain the Complainant’s position.

4. Additional Use of Force Statements

OPA reviewed NE#2’s, NE#3’s, NE#5’s, NE#7’s, and WO#1’s use of force statements and found them consistent with the evidence summarized above.

5. Supervisory Review

NE#2 investigated the force applied by officers during this incident, and an administrative lieutenant, watch lieutenant, and precinct captain reviewed the officers’ actions.

The administrative lieutenant’s review was consistent with the evidence summarized above.

The watch lieutenant concluded, “The tactics, decision-making, and de-escalation efforts utilized by the involved officers appeared to be consistent with SPD Policy and Training.” The watch lieutenant wrote that the force used by the involved officers “appeared objectively reasonable and necessary” to take into custody a “combative and noncompliant subject.” The watch lieutenant approved their use of force.

The captain concluded the force investigation was “thorough and complete.” The captain elaborated:

Yes, I approve of the force applied in this situation. The force was objectively reasonable and proportional to the resistance being presented. The Subject was not just resistive but was aggressive in his struggle to break free and escape. There are

³ Type I is force that “causes transitory pain or the complaint of transitory pain.” SPD Policy 8.050. One example includes the controlled placement or takedown that results in a complaint of pain or causes, or is likely to cause, transitory pain or disorientation. SPD Policy 8.400.



many pre-attack indicators that can foretell his desire to escape. There were sufficient officers on scene that would allow the force to be used minimized with team tactics. They were able to safely grab a hold of the Subject when they placed him under arrest. The knee strikes, takedown, and struggle with body force were all appropriate under the circumstance. The force was necessary to arrest the subject for his crimes committed.

E. OPA Interview

OPA contacted the Complainant's attorney to arrange an interview, but the attorney could not arrange it.

OPA interviewed NE#1. NE#1 recounted the incident, which was consistent with the evidence summarized above. NE#1 described his knee strikes as follows:

So, with that, the safest option for me, and the most available option for me was to utilize knee strikes. And my only available target at that point was his facial region. Given his height and the position that he was in, while he resisted us as officers. So, I give him one knee strike to his facial region. He, it appeared to get his attention. So, the first knee strike, it appeared to be effective, although he remained on his feet. He continued to, to try to run with his feet underneath him, he continued to try to thrash and pull his arms away. So, I believe it was approximately four seconds later, I gave him a second knee strike to his face. This also appeared to, to land effectively and it was very soon after that, that my partners were finally able to drive him down to the ground.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 failed to exhaust de-escalation opportunities before using force.

“When safe, feasible, and without compromising law enforcement priorities, officers will use de-escalation tactics in order to reduce the need for force.” SPD Policy 8.100-POL-1. Officers are also encouraged to use team approaches to consider whether an officer has successfully established rapport with the subject. *Id.* De-escalation options should be guided by the “totality of the circumstances.” *Id.* SPD emphasizes communication, time, distance, and shielding to minimize the need for force. *Id.*

Here, NE#1's elected de-escalation tactic was to handcuff the Complainant. NE#1 believed verbal de-escalation was unnecessary because the Complainant was not actively fighting or being verbally aggressive. OPA finds that NE#1—along with NE#3, NE#5, and NE#7—used some de-escalation tactics before resulting in force. First, NE#1 spoke with the Complainant about the alleged crimes but felt the conversation was unproductive based on the Complainant's incoherent responses. Establishing a rapport with the Complainant was deemed unreasonable. Second, NE#1 said further communication was unfeasible, as he and NE#5 detected fight or flight indicators from the Complainant. Third, NE#1, NE#3, NE#5, and NE#7 detained the Complainant for a trespass investigation, so increasing the distance between themselves and the Complainant was deemed unreasonable. Fourth, utilizing shielding was unreasonable



since the named employees used proximity to prevent the Complainant from fleeing. BWV captured the named employees standing three to eight feet⁴ from the Complainant before approaching to handcuff him.

In his use of force statement, NE#1 wrote, “Time, distance, and shielding were not feasible during this contact because multiple officers had detained the suspect and had been conversating with him for several minutes.” OPA agrees. NE#1—along with NE#3, NE#5, and NE#7—used de-escalation tactics until NE#1 and NE#5 detected fight or flight indicators from the Complainant. Moreover, NE#1 had probable cause to arrest the Complainant for trespassing, at a minimum. NE#1’s decision to handcuff the Complainant was consistent with SPD policy and reasonable under the circumstances.

Overall, the totality of the circumstances suggests that de-escalation tactics were used, but there were further opportunities for verbal engagement before going hands-on. Specifically, verbal techniques like L.E.E.D. (Listen, Explain, Equity and Dignity) and clear instructions may have been beneficial—particularly for engaging a subject exhibiting possible crisis. Therefore, a training referral for de-escalation specific to Crisis Intervention techniques for continued improvement is recommended.

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

- **TRAINING REFERRAL:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policy De-Escalation 1-POL-8.100 with NE#1 and provide appropriate retraining and counseling. Retraining and counseling should emphasize de-escalation for Crisis Intervention. Retraining and counseling should also be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral (Expedited)**

Named Employee #1 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized

The Complainant alleged that NE#1 used excessive force.

SPD Policy 8.200(1) requires that force used by officers be reasonable, necessary, and proportional. Officers shall only use “objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective.” *Id.* Whether force is reasonable depends “on the totality of the circumstances” known to the officers at the time of the force and must be balanced against “the rights of the subject, in light of the circumstances surrounding the event.” SPD Policy 8.050. Reasonableness must allow for the fact that officers are often forced to make “split-second decisions” under tense, dynamic circumstances. *Id.* The policy also lists several factors that should be weighed when evaluating reasonableness. *See id.* Force is necessary where “no reasonably effective alternative to the use of force appeared to exist” and “the amount of force used was reasonable to effect the lawful purpose intended.” *Id.* Lastly, the force used must be proportional to the threat posed to the officer. *Id.*

Here, during a hands-on struggle to arrest the Complainant, NE#1 used his knee to strike the Complainant twice in the face.

First, the Complainant’s resistance prevented four officers from taking him down for twenty to thirty seconds. He pushed NE#1 into a police vehicle, caused multiple officers to lose gear from their persons, and brought the struggle into the street, dangerously close to a passing bus. Based on NE#1’s training and experience, “the longer a fight is

⁴ OPA estimated this distance range from BWV.



allowed to go on, the likelihood of injury to all parties increases exponentially.” NE#1 also expressed concern about the Complainant’s intent to flee, based on his looking back-and-forth at the surrounding officers. However, whether NE#1’s interpretation was a reasonable flight indicator is debatable.

Second, there were limited reasonably effective alternatives to force. NE#1 wrote that a TASER deployment would likely be ineffective because the Complainant wore a heavy Carhartt jacket. NE#1 also said that using less lethal tools was neither feasible nor prudent because of the officers’ proximity to the Complainant during the struggle. The amount of force used was also reasonable to effect an arrest. The Complainant resisted arrest using his entire body, even with four officers on him. NE#1 said the Complainant’s face was the only feasible target available to him at the time. One knee strike, which “temporarily distracted [the Complainant] from fighting,” was insufficient to immobilize him as he continued to resist. NE#1 delivered a second knee strike, which “appeared to effectively break down [the Complainant’s] posture, allowing the group to force him down onto the ground.” NE#1 modulated his force, determining that additional knee strikes were unnecessary.

Third, the Complainant effectively resisted four officers from handcuffing him for just under thirty seconds. When the Complainant moved the officers into the street, everyone was in danger of being struck by passing vehicles. The Complainant was so combative and noncompliant that officers elected to employ “a more direct intervention tactic” to end the struggle.

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

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #2 – Allegation #1

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

The Complainant alleged that NE#2 failed to de-escalate prior to using force.

Here, NE#2 responded to the scene after officers handcuffed the Complainant. NE#2 was not involved in the Complainant’s arrest. NE#2’s role involved screening the Complainant’s arrest, conversing with the Complainant, and photographing the Complainant’s face. NE#2 was not required to de-escalate as he did not use any reportable force throughout this incident.

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

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

Named Employee #2 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized

The Complainant alleged that NE#2 used excessive force.

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

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



Named Employee #3 – Allegation #1

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

The Complainant alleged that NE#3 failed to de-escalate prior to using force.

For the reasons at 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 1. Use of Force: When Authorized

The Complainant alleged that NE#3 used excessive force.

Here, NE#1, NE#3, NE#5, and NE#7 attempted to handcuff the Complainant but were met with resistance. Based on OPA's review of BWV and ICV, NE#3 did not use force that clearly differentiated himself from the other named employees who used force during the struggle to handcuff the Complainant—aside from NE#1, who knee struck the Complainant twice. OPA concluded that NE#1's use of force—which included his hands-on struggle with the Complainant and his two knee strikes to the Complainant's face—was reasonable, necessary, and proportional. OPA concludes that NE#3's, NE#5's, and NE#7's use of comparable or lesser amounts of force under the same circumstances was also reasonable, necessary, and proportional.

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

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

Named Employee #4 – Allegation #1

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

The Complainant alleged that NE#4 failed to de-escalate prior to using force.

Here, NE#4 approached the four officers who struggled with arresting the Complainant. NE#4 was not directly involved in the Complainant's arrest, as she did not physically contact the Complainant. NE#4 displayed her TASER and provided a TASER deployment warning but did not deploy the TASER. NE#4 was not required to de-escalate as she did not use any reportable force throughout this incident.

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

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

Named Employee #4 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized



The Complainant alleged that NE#4 used excessive force.

For the reasons at Named Employee #4 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #5 – Allegation #1

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

The Complainant alleged that NE#5 failed to de-escalate before using force.

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

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

Named Employee #5 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized

The Complainant alleged that NE#5 used excessive force.

For the reasons at Named Employee #3 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #6 – Allegation #1

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

The Complainant alleged that NE#6 failed to de-escalate prior to using force.

Here, NE#6 was involved in escorting the Complainant to a police vehicle. NE#6 was behind the Complainant, while NE#5 and NE#7 were next to the Complainant. BWV and ICV captured the Complainant attempting to pull away from NE#5 and NE#7, then “donkey kicking” NE#7’s shin. NE#6 guided the Complainant to the ground and applied pressure on the Complainant’s back using his knee “to control his movements and prevent further assault.” NE#6 also grabbed the Complainant’s left wrist to maintain the Complainant’s position on the ground. At this point, any de-escalation tactics would have been unreasonable because the Complainant violently resisted again by kicking NE#7’s shin.

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

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

Named Employee #6 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized



The Complainant alleged that NE#6 used excessive force.

Here, NE#6's use of force involved, 1) restraining the Complainant after he resisted an escort and "donkey kicked" NE#7's shin, 2) guiding the Complainant to the ground, and 3) applying pressure to the Complainant's wrist. The Complainant expressed pain and had an abrasion on his wrist, though the cause appeared to be unknown.

NE#6's use of force was reasonable because the Complainant actively resisted and assaulted another officer. NE#6's use of force was necessary because no other reasonably effective alternative to the use of force existed to prevent further resistance and assaults. NE#6's use of force was proportional because its intended effect was to restrain the Complainant, not to cause pain.

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

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

Named Employee #7 – Allegation #1

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

The Complainant alleged that NE#7 failed to de-escalate prior to using force.

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

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

Named Employee #7 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized

The Complainant alleged that NE#7 used excessive force.

For the reasons at Named Employee #3 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #8 – Allegation #1

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

The Complainant alleged that NE#8 failed to de-escalate before using force.

Here, NE#8 was not physically involved in the Complainant's arrest or the Complainant's escort to a police vehicle. NE#8 was partnered with NE#4 when they responded to the scene. The evidence indicates that NE#8 did not use any reportable force throughout the incident.



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

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

Named Employee #8 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized

The Complainant alleged that NE#8 used excessive force.

For the reasons at Named Employee #8 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #9 – Allegation #1

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

The Complainant alleged that NE#9 failed to de-escalate before using force.

Here, NE#9 responded to the scene to screen the use of force after officers handcuffed the Complainant. The evidence indicates that NE#9 did not use reportable force throughout the incident.

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

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

Named Employee #9 – Allegation #2

8.200 – Using Force 1. Use of Force: When Authorized

The Complainant alleged that NE#9 used excessive force.

For the reasons at Named Employee #9 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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