

Issued Date: JANUARY 15, 2024

From: Director Gino Betts, Office of Police Accountability



Case Number: 2023OPA-0316

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 8.200 - Using Force 1. Use of Force: When Authorized
 - a. **Finding:** Not Sustained - Lawful and Proper
2. **Allegation #2:** De-Escalation, 8.100 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force
 - a. **Finding:** Not Sustained - Lawful and Proper

Named Employee #2

1. **Allegation #1:** De-Escalation, 8.100 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force
 - a. **Finding:** Not Sustained - Lawful and Proper (Expedited)

Named Employee #3

1. **Allegation #1:** De-Escalation, 8.100 1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics in Order to Reduce the Need for Force
 - a. **Finding:** 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 Employees #1, #2, #3 (NE#1, NE#2, and NE#3) responded to 9-1-1 calls for an unprovoked stabbing attack on Community Member #1 (CM#1), by Community Member #2 (CM#2), who fled the scene on foot. The Complainant alleged NE#1 may have used unauthorized lethal force to arrest CM#2. The Complainant also alleged that the named employees may have failed to use de-escalation tactics to reduce the need for force.

Administrative Note:

This case was approved for a bifurcated Expedited Investigation. Expedited for NE#2 and NE#3 De-Escalation, 8.100 1. That means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

On August 29, 2023, the Office of Inspector General (OIG) certified OPA's expedited portion of this investigation as thorough, timely, and objective. On December 13, 2023, OIG certified OPA's full investigation as thorough, timely, and objective.

Summary of the Investigation:

On July 18, 2023, SPD officers, NE#1, NE#2, and NE#3 responded to an alleged unprovoked stabbing of CM#1 by the suspect CM#2 in downtown Seattle. The stabbing occurred near Second Avenue and Cherry Street. The initial call classification from dispatch was for an Assault 1 in-person, with or without weapons with a Priority Remark of a 4- inch knife. Remarks: Victim Stabbed. Dispatch updated that one witness was following CM#2 and described CM#2 as, "WM, 40S, 5'8, Beard, BLK JKT, BLU Jeans". CM#2 was last seen walking west on Columbia Street. NE#3, a Canine officer, located CM#2 first at 1st Avenue and Spring Street. CM#2 was walking eastbound and had a suitcase. NE#3 provided this information to Radio. NE#1 and NE#2 were a patrol unit that was nearby and proceeded to this location. NE#1 was the driver and NE#2 was seated in the front passenger seat. NE#3 was the first officer to locate CM#2 and indicated, "And I got him, it's going to be First and Spring. He's got a suitcase with him." NE#1 asked over the air what side of the street CM#2 was on. NE#3 responded, "He's going to be on the eastside of the street. He's not stopping for me. (Sounds like), I'm going to wait for another unit." NE#3 exited her vehicle and CM#2 faced her and yelled something (inaudible). NE#3 stated, "Get on the ground. Get on the ground." CM#2 did not comply and turned and moved eastbound, uphill on Spring Street, pulling a suitcase on wheels behind him.



NE#3's BWV - CM#2 Heading Eastbound (EB) Looking Back at NE#3 Westbound (WB) and Moving Towards Witness (red arrow)

NE#3 walked closer towards CM#1 on the sidewalk and stated, "Get on the ground ...". "... I will send the fuc**ng dog on you!" CM#2 yelled something in audible and NE#3 stated, "stop running". CM#2 yelled "... I will not ... you're a terrorist! You're a terrorist! I've got to kill you...". NE#1 and NE#2 arrived at the scene and got out of the car. Both saw CM#2 eastbound on the sidewalk and NE#3 westbound on the sidewalk. NE#1 yelled at CM#2 and stated, "Hey! Get on the ground, right now? Get on the ground!" NE#1 removed his firearm from his holster and walked towards CM#2. NE#2 and NE#3 were farther down (westbound) on the sidewalk. NE#1 yelled "Get on the ground right now! CM#2 then turned back down the hill towards NE#3 and appeared to be reaching for something with his left hand and dropped his suitcase with his right hand. CM#2 was yelling (inaudible) and appeared to jump. NE#3 stated, "...He's got a knife! He's got a knife!" NE#3 stepped back and CM#2 is yelled (in audible) going towards NE#2 and NE#3 on the sidewalk.



NE#3's BWV - CM#2 looking WB with Knife in Right Hand Circled in Red

NE#2 held his BolaWrap device up and aimed it at CM#2 and stated, "Get on the ground or you're going to get wrapped!" NE#2 tried to deploy the BolaWrap that made a loud noise; however, the deployment was not successful. BolaWraps release a loud bang when deployed, similar to a gunshot. See SPD Interim Policy – BolaWrap Effective May 3, 2023. CM#2 continued to move quickly towards NE#2 and NE#3 with a knife in his right hand. NE#3 drew her firearm and aimed it at CM#2.



NE#2's BWV – deploying BolaWrap Eastbound. CM#2 Walking Toward NE#2 and NE#3 WB.



NE#1's BWV – CM#2 (EB) Moving Toward NE#2 (on the left WB) and NE#3 on the right WB)

NE#1 then fired two shots at CM#2 from an angled position from the street while CM#2 was brandishing a knife. CM#2 fell to the ground.



NE#3's BWV – Capturing NE#1's Position of NE#1, NE#2 and CM#2 at the time of Shooting. NE#1 is at an angle on the street Shooting EB at CM#2 and NE#2 is WB on the sidewalk

NE#1, NE#2 and NE#3 went to CM#2 who was on the ground on his stomach and tried to turn himself on his stomach. CM#2 indicated that "you killed me, you killed me". NE#2 tried to handcuff CM#2, but he was trying to turn on his stomach. Another officer arrived who was an EMT and assisted NE#2 with cuffing CM#2. CM#2 was turned on his back and his clothes were cut open. CM#2 was shot in his stomach and right hand. One of CM#2's fingers was dangling on his right hand. Aid was administered and fire came and took him for care to HMC. There was probable cause to arrest CM#2 given he matched the description of the suspect who stabbed CM#1 and was near the vicinity of where it occurred with several witnesses.

a. CAD Call Report

Initial: ASLT1 ASLT - IP/JO - WITH OR W/O WPNS (NO SHOOTINGS)

Final: Guard Hospital Guard Assignment

Resp. Loc.: 2 Av / Cherry St

Cross: 601-699 2 Av/100-198 Cherry St

Zone: K1 Grid: 2647

Nbhd: 2647

Com: SE

Priority remark: 4 INCH KNIFE

Remarks: VIC STABBED

Caller Contact: IN-PERSON

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

BWV and ICV were reviewed and were consistent with the interviews conducted by FIT of NE#1, NE#2 and NE#3. Furthermore, this was consistent with the evidence provided and reviewed to include the OPA Complaint, CAD Report, Incident Reports, 911 Call Audio, SFD records, EMT, HMC and OPA Interviews. See also, BWV photos above.

c. Force Investigation Team (FIT) Review

Interview of NE#1

The FIT Team interviewed NE#1 on July 18, 2023, at 12:00. NE#1 explained he was working at the West Precinct on the day of the incident. He heard over Radio that there was a stabbing around Second and Cherry Street. NE#1 went to the computer room to ask his partner NE#2 if they were going to go to the call and NE#2 said yes. NE#1 and NE#2 went to their patrol car. NE#1 was the driver and NE#2 was the passenger. NE#1 heard over Radio from an officer who responded to the scene that CM#1 (the victim) had an injury to his neck from the stab wound. NE#1 drove to the scene and heard over Radio that another officer (NE#3) had found the suspect (CM#2) on First Avenue. NE#1 heard on Radio that the suspect (CM#2) was refusing commands of the officer (NE#3). NE#1 then heard over Radio that the suspect was running eastbound on Spring Street. NE#1 and NE#2 then turned on their lights and siren towards that area in King 98. As they reach the area of First and Spring Street, NE#1 saw the officer (NE#3) following the suspect (CM#2) uphill going Eastbound. NE#1 turned his vehicle eastbound to where (NE#3) was standing and parked his vehicle. NE#1 heard NE#3 talking to CM#2. NE#1 and NE#2 got out of their vehicle. NE#1 indicated he was "lethal cover" and saw his partner, NE#2 take out his BolaWrap, as less lethal force. NE#3 was still communicating with CM#2. NE#1 told CM#2 to get on the ground. CM#2 ignored their commands and pulled out a knife. NE#2 then deployed his BolaWrap. NE#1 then saw, "[CM#2] lunge down, uh, downhill towards [NE#3 and NE#2], and that's when I, uh, fired my, my, um, my pistol towards the suspect [CM#2] who was, uh, standing next to a concrete building. And after I fired my shots, I let Radio know that, um, shots were fired." NE#1 explained he got closer to [CM#2] and told him to, "stay on the ground because he was still moving." NE#1 recalled [NE#2 and NE#3] put handcuffs on CM#2. CM#2 was on his belly and appeared to be trying to lay on his back. NE#1 maintained his lethal cover until another officer who was EMT trained arrived. This officer provided first aid to [CM#2]. NE#1 explained he stayed on the sidewalk until other officers arrived and stayed with the knife that was next to [CM#2]. NE#1 went to his patrol car once the Acting Sergeant (A/S) arrived. The A/S told NE#1 to go to his patrol car and not talk to anyone. NE#1 waited until he was told it was safe to turn off his BWV and ICV and changed vehicles since his patrol vehicle was at the scene. NE#1 waited until he was told he could change his pistol for a newer one. Pictures were taken and he went back to the car and then went to the FIT office for an interview. NE#1 sketched out the area for the FIT interviewer as requested. NE#1 again walked through the force part. NE#1 explained he saw CM#2 pull out the knife and NE#2 deploy the BolaWrap. NE#1 recalled, "the suspect continued to approach down, downward towards, uh [NE#3 and NE#2] and that's when I, uh fired my pistol".

NE#1 explained he has worked as a partner with NE#2 for three years, as a two-car patrol unit. In addition, there was a shooting call in the area on Radio about people fighting. Ten to fifteen minutes later the call came in regarding the stabbing. NE#1 indicated it might have been a related event. NE#1 had information that the stabbed victim [CM#1] had a stabbing wound to the neck. NE#1 was not sure if he knew that a knife was Radioed, but he knew there was a stabbing, the subjects' description and the injury Radioed. In addition, he heard [NE#3] indicate she did not see a weapon on CM#2 when she first saw him. NE#1's weapon was a Glock 17. NE#1 recalled he exited his vehicle as lethal force and NE#2 was less lethal force. NE#1 recalled [CM#2] was acting aggressive. He recalled CM#2's posture was aggressive and the way he was standing and moving his arms around. In addition, he was on a hill going downhill and could easily just run towards NE#2 or NE#3. NE#1 recalled CM#2 removed the knife from either somewhere around his belt area or from the bag he was carrying. NE#1 recalled he pulled it out and placed it in his right hand and raised it up by his face level and that's when NE#2 deployed the BolaWrap. CM#2 continued to move towards NE#2 and NE#3 and NE#1 fired his pistol twice. NE#1 recalled CM#2 was shot in his right hand (index finger area) and stomach. NE#1 recalled firing after the loud noise of the BolaWrap and when both NE#2 and NE#3 were walking back westbound when CM#2 kept moving toward them with his knife out. NE#1 recalled at the time of the shooting he was lethal cover for NE#2 and NE#3 and "... because of the nature of the, the, uh, crime which was a stabbing that just occurred a few blocks from where the shooting incident occurred. Um, my, my thought process was that I'm gonna do my part, to make sure that they were safe and still communicating, to try to communicate with the suspect to get him to comply in that moment. He recalled he was responding to a felony assault that was a stabbing. He recalled his firearm was in the sul position initially when communicating with CM#2. Sul Position: The barrel of the gun is facing the ground and away from anyone.

NE#1 saw the knife at the scene and described it as a fixed blade knife with a blue handle. NE#1 could not recall the length of it. NE#1 indicated he was 6 to 10 feet away from CM#2 when he fired his pistol. CM#2 matched the description of the subject for assault 1 and NE#1 believed he had probable cause for his arrest.

Interview of NE#2

The FIT Team interviewed NE#1 on July 18, 2023, at approximately 12:05. NE#2 recalled being at the West Precinct on the day of the incident finishing up from a previous incident where the subject was taken to HMC. The subject had an abundance of clothing and he was processing and logging property when we heard a call regarding officers responding in the King sector for shots in the 600 block of Second Avenue. A few minutes following that, NE#2 heard there was possibly a stabbing and this was confirmed by another officer. NE#2 locked up his computer and went with his partner NE#1 to respond to the call to check for the suspect. NE#2 heard an update on Radio that NE#3 had spotted CM#2 on First Avenue and Spring Street. NE#1 activated their lights and sirens and saw NE#3 come around the corner eastbound. NE#3 indicated on Radio she did not see a knife, but he was carrying a suitcase or was dragging it. NE#1 and NE#2 came around the corner in their vehicle and saw NE#3 and CM#2. CM#2 matched the description Radioed. NE#2 is

not trained for a 40 millimeter and made a decision to use the BolaWrap given the suitcase that could get in the way for his Taser. NE#2 heard CM#2 yell, "I'm gonna kill you, I'm gonna Kill you." He was not sure if it was said two or three times. NE#2 heard NE#3 yell something to CM#2, but he could not recall because he was focusing on deploying the BolaWrap. CM#2 appeared aggressive towards them and he tried to yell at him to get him to comply or he would be wrapped. NE#2 could not recall where he reached down to and drew what appeared to be a knife. NE#2 tried to deploy the BolaWrap to CM#2's right hand where the knife was. NE#2 recalled the cord did not fully wrap around and his arm came free, and then he started to move around the suitcase and started to lunge and charge at us. NE#2 heard two shots fired from NE#1 and saw CM#2 fall to the ground. NE#2 saw the knife laying just off to the right of CM#2. NE#2 holstered his BolaWrap and drew his gun and walked to CM#2 with NE#1 and NE#3. NE#2 recalled CM#2 indicating, "you killed me, you killed me". NE#2 grabbed his right arm and noticed CM#2's right index finger was bleeding and kind of dangling. NE#2 tried to handcuffed CM#2, but he kept lowering his arms. NE#2 requested a second set of cuffs and ultimately, they cuffed him. An EMT trained officer came and assisted CM#2 medically. Upon additional officers arriving, NE#2 secured the scene with tape, as the SFD was taking care of CM#2. NE#2 provided a sketch of the scene and answered further questions from FIT. NE#2 recalled that the victim was stabbed in the neck and if someone does that, it is a great danger because someone could bleed out and die. NE#2 further indicated that anyone who did this is a great danger to the public. Additionally, there was a concern in this case he might hurt someone else. NE#2 recalled several witnesses from the stabbing were still talking with communications. NE#2 recalled CM#2 would not comply and refused to stop which changed the plan to keep a distance, and utilize time, distance and shielding with our vehicles and PA systems. NE#2 recalled NE#3's overhead lights were on when they arrived and she was running around the corner from northbound First Avenue to eastbound on Spring Street. NE#2 recalled CM#2 looked aggressive and he wasn't, "... just like passive yelling, he was, it appeared like he was angrily, uh, yelling in her direction." NE#2 thought the BolaWrap would help mitigate the risk of CM#2 fighting and or perhaps assaulting officers. NE#2 indicated he felt the treat to kill was directed at all three of them (NE#1, NE#3 and himself). NE#2 also confirmed when asked that they had probable cause to arrest CM#2 for the stabbing because he matched the description and, "we needed to stop him before somebody else go hurt". NE#2 believed he was somewhere between 10 and 15 feet when he deployed the BolaWrap. NE#1 recalled he saw the rope hit him and fall off to the ground. NE#2 indicated he had never deployed the BolaWrap before on a live call but was trained and certified to use it.

Interview of NE#3

The FIT Team interviewed NE#1 on July 18, 2023, at approximately 1432. 2:05pm. She explained she heard on the Radio regarding the stabbing and was contacted by an officer who explained there are witnesses to the stabbing of a victim to the neck. Furthermore, the suspect fled the scene and one witness was following him. NE#3 located CM#2 first at First Avenue and Spring Street. NE#3's interview with FIT was consistent with NE#1 and NE#2 regarding what occurred. She explained she made a conscious decision not to bring her dog out. She indicated she had a 40 millimeter, but it was behind her and in the middle of her console. When she arrived CM#3 ran

around the corner. She ran 10 feet up the street on Spring from First and saw him with the suitcase and yelled for him to get on the ground and he did not follow my commands. She again told him to stop and other commands, which he did not comply. Ultimately, NE#1 and NE#2 arrived at the scene. NE#2 used his BolaWrap as a less lethal force, but it did not work. NE#1 used lethal force as CM#2 was brandishing a knife and walking towards them and had threaten to kill them. NE#3 heard two shots and CM#2 fell to the ground. NE#3 explained once he was down, she recalled thinking the threat was down and she holstered. Following that, all she could recall was she was helping to put handcuffs on him and did not really recall what happened after that. She completely blacked out after that point.

NE#3 explained she is a K9 Officer and her dog is a use of force tool. Her vehicle is a one-officer vehicle. Her role is an extra resource for patrol officers. Her role in this matter was to help track the subject given the stabbing / assault 1 (felony assault). This type of incident is a huge safety issue for everyone involved. NE#3 is also trained to use a 40 millimeter. She described this as a blue nose tip launcher. It is a type of pain compliance tool to gain compliance from a subject. She indicated she keeps this and her pepper spray in the back of her car. NE#3 explained she is not usually the first responder, so given these circumstances she did not have time to grab it and get it ready because she had to follow CM#2 to continue to track him because he was a danger to the community. NE#3 tried to talk to him to keep him calm. He had been shot in the stomach and right hand.

FIT Interview of Witnesses to Stabbing Incident

FIT detectives interviewed various witnesses and learned CM#2 had approached random people on the street and attacked them without being provoked. CM#2 allegedly spit on a victim and then removed a knife to lunge toward the victim. The victim backed away. CM#2 then approached CM#1 and stabbed him in the neck without provocation. CSI, FIT and Homicide responded to the scene to take over the investigation in this matter.

Lieutenant, Captain and Sergeant Review

A Lieutenant completed the Type III Use of Force Investigations Lieutenant Review. She recommended items to include checking in on officers following a use of force incident and reviewing who should be that delegate. Additionally, ensuring no modifications to Department authorized firearms occur. Furthermore, to ensure officers carry on their person, a least one less lethal option on them.

A Captain completed the Type III Use of Force Investigations Captain Review. The Captained reviewed this matter and brought up important wellness matters for officers and officers arming themselves when a suspect is dangerous and armed. Also, making sure less lethal force items are readily available.

A Sergeant completed the Type III Use of Force Investigations Sergeant Review. The Sergeant went over items raised by the Lieutenant and Captain and put together a Chronological Case review of this matter.

d. OPA Interviews

NE#1

OPA Interviewed NE#1 on December 1, 2023, at 12:50 pm. A sworn OPA investigator conducted the interview and an SPOG representative was present. NE#1 explained he has a Taser and carries a Glock 17 firearm. His partner NE#2 carries a Taser and a BolaWrap. He explained he has been a partner with NE#2 for approximately three years. NE#1 described both his partner and him responding to the Dispatch call regarding a stabbing / assault 1 in their sector. Both agreed to leave the West Precinct to respond to it. Additionally, they heard on the Radio dispatch that NE#3 was looking for CM#2 and they both heard the description of CM#2 and the area it took place. NE#1 was the driver and drove to 1st Avenue and Spring Street upon hearing on Radio NE#3 had spotted him and he was not responding to commands. Upon arrival NE#1 saw NE#3 was following CM#2. NE#1 pulled their vehicle next to where NE#3 was standing. Both NE#1 and NE#2 got out of the vehicle. NE#1 saw NE#2 take out his BolaWrap. NE#1 took his pistol and could see from his peripheral vision NE#2 and NE#3 on the sidewalk. NE#1 provided verbal commands to CM#2 to get on the ground. He heard NE#2 deploy the BolaWrap. NE#1 saw CM#2 still heading towards NE#2 and NE#3 and made a decision to fire his pistol. NE#1 fires twice. CM#2 fell to the ground. NE#1 notified dispatch and let them know shots were fired. All of us went towards CM#2. NE#2 and NE#3 placed CM#3 in handcuffs and NE#1 stayed with the knife. An EMT arrived at the scene and provided first aid to the suspect. The Acting Sgt. arrived and told him what happened and to wait in his patrol car. NE#1 indicated that they responded to this call as back-up. Two other officers were the primary officers for the scene. NE#1 was thinking of a contact team for this and then heard the call from NE#3 needing assistance. NE#2 used less lethal so NE#1 would be a legal cover based on our past working experience. NE#1 explained that CM#2 was escalated when they arrived and was in a fighting stance. NE#1 explained he used his pistol because CM#2 was charging the officers, CM#2 had pulled out a knife and was coming towards NE#2 and NE#3 and NE#1 did not want to have them get injured. Furthermore, NE#1 indicated CM#2 was on a hill and had a greater advantage. NE#1 explained it was not feasible for him to do any de-escalation given the imminent circumstances once CM#2 took out the knife. CM#2 could have attacked another person just walking to work or caused great harm to officers NE#2 and NE#3's safety. NE#1 explained safety of the officers and others was paramount.

Sergeant

OPA Interviewed a Sergeant (WS#1) on November 30, 2023, at 12:04 pm. A sworn OPA investigator conducted the interview and an SPOG representative was present. WS#1 has worked for SPD for almost twenty-seven years. She is currently assigned to the Sgt. in Education and Training Section. She has served in this capacity since January 2018. WS#1 is the point person in

the Training Unit involving BolaWraps. WS#1 has had extensive training in Arizona and oversees the BolaWrap program for SPD. WS#1 trains people and puts people through refresher courses. Another officer oversees the program. WS#1 described the BolaWrap as a handheld device that when you deploy it, it is meant to temporarily restrain somebody by deploying an eight-foot Kevlar cord, that has some anchors on both ends of the chord. When the cord expands it makes contact with something and keeps wrapping around it. WS#1 explained there are little anchors and will grip onto clothing or skin. This was designed to give officers a small window of time so officers can take someone into custody. It is also known as a remote restraint device. SPD has a pilot project utilizing the BolaWrap.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

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

The Complainant alleged that NE#1 used unauthorized lethal force to arrest CM#2.

SPD Policy 8.200(1) requires Officers will only use “objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law-enforcement objective.” SPD Policy 8.200(1). Reasonableness depends “on the totality of the circumstances” known to the officers when force is used, balanced against “the rights of the subject, in light of the circumstances surrounding the event.” SPD Policy 8.050. Reasonableness must consider that officers are often forced to make “split-second decisions” under tense, dynamic circumstances. *Id.* Force is necessary when “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.* Last, the force used must be proportional to the threat posed to the officer. *Id.*

Here, based on the evidence provided, NE#1 used reasonable force in responding to CM#2 who was brandishing a knife and had made threats to kill officer(s) in this matter. Furthermore, CM#2 was the suspect in a stabbing of CM#1 in the neck that occurred right before this incident. Also, CM#2 was not listening to multiple commands to stop from NE#1, NE#2 or NE#3. Additionally, a less alternative use of force was utilized; however, its deployment was not successful. NE#2 and NE#3 were in danger and were backing down the street with CM#2 still moving forward with a knife brandished towards them. Therefore, based on the evidence provided, OPA finds NE#1’s force was reasonable and necessary in these circumstances in review of the totality of the circumstances given the imminent danger.

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

Named Employee #1 - Allegation #2

De-Escalation, 8.100 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 may have failed to use de-escalation tactics to reduce the need for force.

Here, based on the evidence provided, NE#1 worked with his partner NE#2 and his partner provided less lethal force in this matter. In addition, NE#3 and NE#1 gave commands for CM#2 to stop and comply and did not. NE#1 given the totality of the circumstances upon arrival and at the scene there was not time to assist NE#2 and NE#3 who were in imminent danger of CM#2 coming down hill brandishing a knife after threats to kill. Therefore, OPA finds NE#1 did not fail to use de-escalation tactics to reduce the need for force in reviewing of the totality of the circumstances in this matter.

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

Named Employee #2 - Allegation #1

De-Escalation, 8.100 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 may have failed to use de-escalation tactics to reduce the need for force.

Here, based on the evidence provided, NE#2 deployed his BolaWrap to use less lethal force. NE#2 explained he aimed this at CM#2 at the area where CM#2 was brandishing his knife after indicating threats to kill, but it did not deploy successfully. NE#2 explained he gave voice commands for CM#2 to stop without success and did indicate to stop or he would be “wrapped.” Therefore, OPA finds, NE#2 did not fail to use de-escalation tactics here to reduce force in review of the totality of the circumstances in this matter.

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

Named Employee #3 - Allegation #1

De-Escalation, 8.100 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 may have failed to use de-escalation tactics to reduce the need for force.

Here, based on the evidence provided, NE#3 got out of her vehicle and used verbal commands for CM#2 to stop. Instead, CM#2 went eastbound up the street and again failed to comply with her commands. NE#3 Radioed to indicate CM#2 was not in compliance and needed assistance.

In addition, based on the evidence provided and the location of the incident, there was no place to shield and cover but for their vehicles. Here, CM#2 fled away from the vehicles. Also, CM#2 made threats to kill towards the officers brandishing a knife in real time, and it was not safe or feasible to deescalate given their location of this incident, the imminent danger and how quickly things escalated. Therefore, OPA finds, NE#3 did not fail to use de-escalation tactics to reduce force in review of the totality of the circumstances in this matter.

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