



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 1, 2024

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

CASE NUMBER: 2023OPA-0447

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-6 Vehicle-Related Tactics, 5. Vehicle-Related Tactics, c. Vehicle Pinning (also known as “Vehicle Pinching”) (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	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 (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-6 Vehicle-Related Tactics, 5. Vehicle-Related Tactics, c. Vehicle Pinning (also known as “Vehicle Pinching”) (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	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 (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	8.300 – Use of Force Tools, 8.300-POL-6 Vehicle-Related Tactics, 5. Vehicle-Related Tactics, c. Vehicle Pinning (also known as “Vehicle Pinching”) (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)
# 2	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 (Effective April 24, 2023)	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, and #3 (NE#1, NE#2, and NE#3) responded to a reportedly stolen vehicle. Community Member #1 (CM#1)—the vehicle's driver—was passed out in the driver's seat. An anonymous complainant alleged that the named employees pinned CM#1 using their police vehicles. The Complainant also alleged that the named employees failed to de-escalate when they immediately tried removing CM#1 from the vehicle.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On November 6, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On October 6, 2023, the Complainant filed an online OPA complaint, writing that SPD officers contacted a stolen vehicle, abandoned de-escalation tactics, broke the vehicle's windows, and immediately grabbed the driver. The Complainant alleged that officers used unauthorized vehicle force tactics by pinning the vehicle and forcing a confrontation with the driver.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), in-car video (ICV), and incident reports. The Complainant provided no contact information for an interview.

On September 11, 2023, at 1:28 PM, CAD call remarks noted, "SUSP[ICIOUS] CIRC[UMSTANCES]." CAD coded the call as an automobile recovery.

The named employees responded to a parking garage and activated their BWV, capturing the following:

NE#2 radioed that there was probable cause to arrest two passed out occupants in the suspect vehicle for possessing a stolen vehicle and eluding. The vehicle did not have a rear license plate affixed to it and was verified as stolen via radio. NE#2 requested responding officers to keep their sirens off. Two police vehicles were positioned in front of the suspect vehicle while three police vehicles were positioned behind it. No police vehicle contacted the suspect vehicle. NE#2 and NE#3 approached the driver's side door. NE#3 attempted to open the door, but the handle ripped off. NE#3 knocked on the window and announced, "Seattle police. Get out of the car. Get out of the car now." The suspect vehicle immediately reversed, striking the police vehicle behind it.¹ It accelerated forward, striking the police vehicle in front of it.² CM#1—the driver—continued accelerating the suspect vehicle forward for several seconds. NE#3 shattered the driver's side window. Officers aimed their firearms at CM#1 and ordered him out. CM#1 raised his hands. CM#1 and the passenger exited through the passenger's side door after officers were unable to open the driver's side door. Officers handcuffed CM#1 and the passenger. CM#1 and the passenger were advised of their

¹ NE#2's incident report indicated that CM#1 struck a police vehicle occupied by NE#1.

² NE#2's incident report indicated that NE#1 closed the gap from behind to "keep the vehicle from gaining further momentum."



Miranda rights. Inside the vehicle officers recovered a Colt .22 caliber revolver fully loaded from the door panel on the driver's side.

NE#2's incident report was consistent with the events captured on BWV. NE#2 wrote that a security guard alerted him about two passed out occupants in a vehicle. NE#2 wrote that he recognized them from several incidents involving eluding officers in several stolen vehicles. NE#2 wrote that CM#1 had several felony warrants. NE#2 wrote that the suspect vehicle was later confirmed stolen.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.300 – Use of Force Tools, 8.300-POL-6 Vehicle-Related Tactics, 5. Vehicle-Related Tactics, c. Vehicle Pinning (also known as "Vehicle Pinching") (Effective April 24, 2023)

The Complainant alleged that the named employees pinned CM#1 using their police vehicles. Vehicle pinning is a trained tactic when officers use police vehicles to keep a stationary vehicle in a specified position and from leaving the scene, where there is constant forward pressure (not ramming) applied by the police vehicles to the stationary vehicle, and there are no gaps between the vehicles. SPD Interim Policy 8.300-POL-6(5)(c) (effective April 24, 2023). Vehicle pinning is prohibited for officers assigned to patrol. *Id.*

Here, the named employees used vehicle blocking. See SPD Interim Policy 8.300-POL-6(4) (effective April 24, 2023) (defining "blocking" as when an officer uses a police vehicle to block the path of travel of a stationary vehicle, where there is no contact between the police vehicle and the stationary vehicle). The named employees positioned their police vehicles to block escape routes. No police vehicle contacted the suspect vehicle during staging. CM#1 struck the police vehicles behind and in front of him when he attempted to elude the police.

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

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

Named Employee #1 – Allegation #2

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 (Effective April 24, 2023)

The Complainant alleged that the named employees failed to de-escalate when they immediately tried removing CM#1 from the vehicle.

When safe, feasible, and without compromising law enforcement priorities, officers will use de-escalation tactics to reduce the need for force. SPD Interim Policy 8.100-POL-1 (effective April 24, 2023). Officers are encouraged to use team approaches to consider whether any officer has successfully established a rapport with the subject. *Id.* De-escalation options should be guided by the totality of the circumstances. *Id.* SPD policy emphasizes communication, time, distance, and shielding to minimize the need for force. *Id.*

Here, the named employees developed a plan before contacting CM#1, which considered that CM#1 was likely in a stolen vehicle, had several felony warrants, and was involved with eluding the police in several stolen vehicles. They



positioned their police vehicles to prevent his escape. Upon waking up, CM#1 immediately struck two police vehicles. De-escalation was unfeasible based on what officers knew before contacting CM#1 and after CM#1 woke up. CM#1 could have escaped or struck officers or pedestrians if officers employed less vehicle blocking tactics to quickly apprehend CM#1. The named employees' actions reflected reasonableness under the totality of the circumstances.

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

8.300 – Use of Force Tools, 8.300-POL-6 Vehicle-Related Tactics, 5. Vehicle-Related Tactics, c. Vehicle Pinning (also known as “Vehicle Pinching”) (Effective April 24, 2023)

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 #2 – Allegation #2

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 (Effective April 24, 2023)

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

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

Named Employee #3 – Allegation #1

8.300 – Use of Force Tools, 8.300-POL-6 Vehicle-Related Tactics, 5. Vehicle-Related Tactics, c. Vehicle Pinning (also known as “Vehicle Pinching”) (Effective April 24, 2023)

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

8.100 – 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 (Effective April 24, 2023)

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

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