



CLOSED CASE SUMMARY

ISSUED DATE: JULY 31, 2024

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

CASE NUMBER: 2024OPA-0064

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, a. Stationary Tire Deflation Devices (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 Employee #1 (NE#1) applied a stationary tire deflation device (the terminator) on a parked vehicle at a gas station. The driver awoke and drove away, causing the terminator to deploy. The Complainant alleged that NE#1 used the terminator as a new toy rather than to prevent the vehicle's flight.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified that NE#1 and Witness Officer #1 (WO#1) directed profanity at community members during this incident. OPA sent NE#1's and WO#1's potential SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) violations to their chains of command for Supervisor Action.¹

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

On March 7, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On February 2, 2024, the Complainant submitted an OPA complaint, writing, among other things, that officers were "excited to test out their new toy rather than prevent the vehicle from fleeing." The Complainant wrote that officers parked behind the suspect vehicle and relied solely on the terminator to prevent forward movement. The Complainant believed the more logical choice would have been to block the front of the suspect vehicle. The Complainant also cited SPD's press release, which indicated that this was SPD's first deployment of the terminator.

¹ Supervisor Action generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee's supervisor. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), police reports, use of force statement, and training records.

On November 21, 2023, at 6:24 PM, CAD call remarks noted, “SILVER CIVIC.” Additionally, “AUTO RECOVERY” was coded into CAD.

NE#1 and WO#1—NE#1’s partner—responded to the incident location and activated their BWV, capturing the following:

WO#1 parked behind a silver Civic next to a gas pump at a gas station.² NE#1 exited his patrol vehicle and applied the terminator in front of the right rear tire of the Civic:



Three asleep occupants and a dog were inside the civic. NE#1 aimed his flashlight at the Civic, knocked on the passenger side window, and said, “Don’t go nowhere.” The occupants woke up, and the driver started the ignition. NE#1 said, “Don’t go anywhere—Seattle police. Don’t drive away. Your tire’s gonna go flat.” The driver drove over the terminator and drove away with it stuck in the wheel well:³

² WO#1’s police report documented that he “observed in plain view copious amounts of obvious narcotic paraphernalia in the form of aluminum foil with burnt narcotic residue on them.”

³ WO#1’s police report noted, “As the vehicle fled[,] the tire deflation device successfully deflated the rear passenger’s side tire.”



WO#1 and NE#1 entered their patrol vehicle and briefly followed the fleeing Civic with their lights and sirens activated. Two cars blocked the roadway, forcing the civic to stop. NE#1 exited the patrol vehicle and shouted, "Seattle police! Stop the car right now!" The driver reversed and struck the push bar of the patrol vehicle, and then the driver accelerated forward. The occupants exited the civic and fled on foot. NE#1 arrested the driver as other officers arrested the other two occupants.

WO#1's police report was consistent with BWV observations. WO#1 documented that the Civic was reported stolen, and officers found narcotic paraphernalia and fentanyl inside the Civic.

NE#1's type I⁴ use of force statement was consistent with BWV observations. NE#1 documented his reason for deploying the terminator:

The device was used as intended, anticipating that the driver would flee the scene in the vehicle once alerted to the presence of Police Officers. In many instances, the suspects flee and drive recklessly in an attempt to get away from officers and not be apprehended for DUI and stolen vehicle-related crimes. The hope was to deploy the device and have the vehicle be partially or totally disabled in the event that it fled the scene. The device worked as designed and intended, and the suspect was apprehended only 1.5 blocks from the original scene; no injuries were reported as a result of the incident.

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, a. Stationary Tire Deflation Devices (Effective April 24, 2023)

⁴ Type I is force that causes transitory pain or the complaint of transitory pain. SPD Interim Policy 8.050 (effective May 19, 2023). Type I force includes, among other things, the use of a stationary tire deflation device with confirmed contact and deflation of tires. SPD Interim Policy 8.400-POL-1 (effective May 19, 2023).



The Complainant alleged that NE#1 improperly deployed a stationary tire deflation device.

Stationary tire deflation devices safely immobilize a stationary vehicle to avoid flight. SPD Interim Policy 8.300-POL-6(5)(a) (effective April 24, 2023). They are placed under the tire of a stationary vehicle. *Id.* Officers trained to use stationary tire deflation devices may only use the device when the car is stationary and the officer has reason to believe that the subject driving, or potentially driving, the vehicle has committed, is about to commit, or is in the process of committing a crime. Officers may also use the device for community safety purposes. *Id.*

NE#1 applied the terminator consistent with SPD policy. NE#1 placed the device under the tire of the silver Civic, which was stationary. NE#1 and WO#1 articulated multiple crimes that they believed the driver committed, such as driving while intoxicated, possessing narcotics, or possessing a stolen vehicle. The Complainant's suggestion to use a vehicle-blocking technique in addition to the terminator constitutes a tactical recommendation, not a policy violation. OPA found no evidence suggesting that NE#1 deployed the terminator to test it out.

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

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