



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 28, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0317

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	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:

The named employees (NE#1 and NE#2) responded to a trespass call and arrested the Complainant. The Complainant alleged that the named employees used unauthorized force by stomping on his head.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#2 failing to notify the Complainant that he was being recorded. OPA sent NE#2's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to her chain 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 recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On September 5, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

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



SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. The Complainant did not respond to OPA's multiple requests for an interview.

On July 28, 2024, CAD call remarks noted that a security guard had detained the Complainant for refusing to vacate the premises. BWV captured the named employees responding to a sidewalk adjacent to a federal building, where a security guard was restraining the Complainant face down. The named employees and the security guard moved the Complainant to the recovery position and applied two sets of handcuffs. NE#1 Mirandized him, after which NE#2 told him he was under arrest for trespass. NE#1 and the security guard assisted the Complainant to his feet and escorted him to a patrol car. NE#1 searched the Complainant, who later expressed handcuff discomfort. NE#1 reapplied the handcuffs. An acting sergeant arrived at the scene and screened the arrest. NE#1 and the acting sergeant then escorted the Complainant to the King County Jail.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

The Complainant alleged that the named employees used unauthorized force by stomping on his head.

Officers will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation to achieve a law enforcement objective while protecting the life and safety of all persons. SPD Interim Policy 8.200(1) (effective April 24, 2023). Reasonability must consider that officers are often forced to make split-second decisions about the force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the officers' actions were objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Id.* Several factors should be weighed when evaluating reasonableness. *See id.* Force is necessary under the totality of the circumstances when there is no reasonably effective alternative to using physical or deadly force, and the type and amount of physical or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others. SPD Interim Policy 8.050 (effective May 19, 2023). Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to officers and others. *Id.* Officers must rely on training, experience, and circumstances to decide an appropriate level of force. *Id.*

The named employees used only *de minimis* force during their encounter with the Complainant. *See* SPD Interim Policy 8.050 (effective May 19, 2023) (defining *de minimis* force as a physical interaction meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury). They handcuffed him and then moved him to the recovery position. NE#1 escorted him to a patrol car, where he was searched. Once the Complainant expressed handcuff discomfort, NE#1 reapplied the handcuffs and notified the acting sergeant, who screened the arrest. OPA found no evidence showing that the named employees applied unauthorized force by stomping on the Complainant.

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

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



Named Employee #2 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)

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

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