



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 23, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0354

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 - Lawful and Proper (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 - Lawful and Proper (Expedited)

Named Employee #3

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 - 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:

The named employees (NE#1, NE#2, and NE#3) responded to a trespass call at a homeless shelter and instructed the Complainant to gather his belongings and leave. When the Complainant disobeyed, the named employees used force to arrest him. The Complainant alleged that the named employees used unauthorized force during the arrest.

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 his 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.

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).



On October 10, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the OPA complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report, and use-of-force reports. The Complainant declined OPA's request for an interview.

On January 24, 2024, CAD call remarks noted that homeless shelter staff requested the trespassing of a male who refused to leave upon being asked. The named employees arrived at the shelter with their BWV activated, capturing the following events. A shelter employee requested the Complainant be trespassed and escorted them to his location. NE#2 informed the Complainant of his trespass status and repeatedly instructed him to gather his belongings and leave or he would be arrested. The Complainant continued to refuse to leave and indicated that he was not legally allowed to be trespassed. The officers explained the shelter employee has the right to refuse service at any time and has requested he be removed. NE#1 and NE#2 removed the Complainant from his bed. He resisted their efforts to secure his hands behind his back, insisting instead that he needed to put on his shoes. A brief struggle between the officers and the Complainant began, as they were not able to place the Complainant's hands behind his back to be handcuffed. NE#3 used a trained technique hair hold while other officers guided the Complainant to the ground on his stomach. NE#3 knelt on the Complainant's mid-back briefly, as NE#1 and NE#2 handcuffed him.



Afterward, NE#1 and NE#2 assisted the Complainant to his feet and escorted him away. Officers requested SFD and a supervisor to the scene. A sergeant screened the arrest and complaint of pain to his back. The Complainant declined medical assistance from SFD and was transported to the West Precinct and released from police custody.

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 during his arrest.



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' use of force was lawful and proper. The Complainant was afforded several chances to collect his belongings and exit voluntarily, but he disobeyed instructions. Once NE#1 and NE#2 applied *de minimis* force,² the Complainant tried to pull away, requiring the named employees to execute a controlled takedown. NE#3 applied a hair hold technique and briefly knelt on the Complainant's back during the handcuffing process.³ NE#3 did not ram his knee into the Complainant. After the Complainant was handcuffed, the named employees modulated their force. Overall, the named employees applied objectively reasonable, necessary, and proportional force under 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

8.200 – 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 – Lawful and Proper (Expedited).

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

Named Employee #3 – 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 – Lawful and Proper (Expedited).

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

² *De minimis* force is 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. SPD Interim Policy 8.050 (effective May 19, 2023).

³ SPD-trained tactics to limit his movements.