



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 6, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0368

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited	Not Sustained - Lawful and Proper
# 2	8.300 – Use of Force Tools, 8.300-POL-3 Taser 10, 4. Sworn Employees May Deploy a Taser in the Following Circumstances:	Not Sustained - Lawful and Proper

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited	Not Sustained - Lawful and Proper

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 witness officers (WO#1 and WO#2) and the named employees (NE#1 and NE#2) responded to a disturbance call at a bar involving Community Member #1 (CM#1), who was noncompliant and disobeyed the officers' commands. WO#1 and WO#2 restrained CM#1 against a bench, after which NE#1 deployed his Taser twice, resulting in CM#1 collapsing to the ground. Once CM#1 was handcuffed on his stomach, NE#1 deployed his Taser two more times—first when CM#1 grabbed WO#1's radio and again when CM#1 bit WO#2's pant leg. In response to CM#1's refusal to release his bite following NE#1's Taser deployment, NE#2 punched CM#1's face. The Complainant, a lieutenant, alleged that NE#1's Taser deployments and NE#2's punch after CM#1 was handcuffed may have been inconsistent with policy.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified WO#1 failing to notify the Complainant that he was being recorded. OPA sent WO#1's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to his chain of command for Supervisor Action.¹

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 January 28, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On September 13, 2024, the Complainant submitted an OPA complaint detailing an incident. According to the Complainant, CM#1 resisted officers' efforts to apply handcuffs, leading NE#1 to deploy his Taser multiple times. Officers overcame CM#1's resistance and handcuffed him. When CM#1 grabbed WO#1's radio cord, NE#1 reenergized his Taser. NE#1 then reenergized his Taser again, and NE#2 punched CM#1's face as CM#1 attempted to bite WO#2's leg. The Complainant alleged that the named employees' uses of force may have been inconsistent with policy.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), private video, incident and supplement reports, use-of-force reports, photographs, Taser 10 data, and training records. OPA also interviewed the named employees, a sergeant, and WO#2.

B. Computer-Aided Dispatch (CAD) Call Report

On September 8, 2024, at 1:22 PM, CAD call remarks noted, "2ND HAND INFO[RMATION]: IN LOWER LEVEL GARAGE, MALE ENGAGING IN ACTIVE [CAR PROWL] AND BEING HOSTILE TO SEC[URITY], REFUSING TO LEAVE, NO [WEAPONS]."

At 1:44 PM, CAD noted, "RES[IDEN]T IS WATCHING SEC[URITY] AND SUSP[ECT] IN A PHYSICAL STRUGGLE IN THE GARAGE, NO [WEAPONS] SEEN."

At 1:48 PM, CAD noted, "[CALLBACK] FROM SEC[URITY], SUSP[ECT] ATTEMPTED TO BITE AFTER PHYSICAL ALTERCATION, MEDICS DECLINED, NO [WEAPONS]."

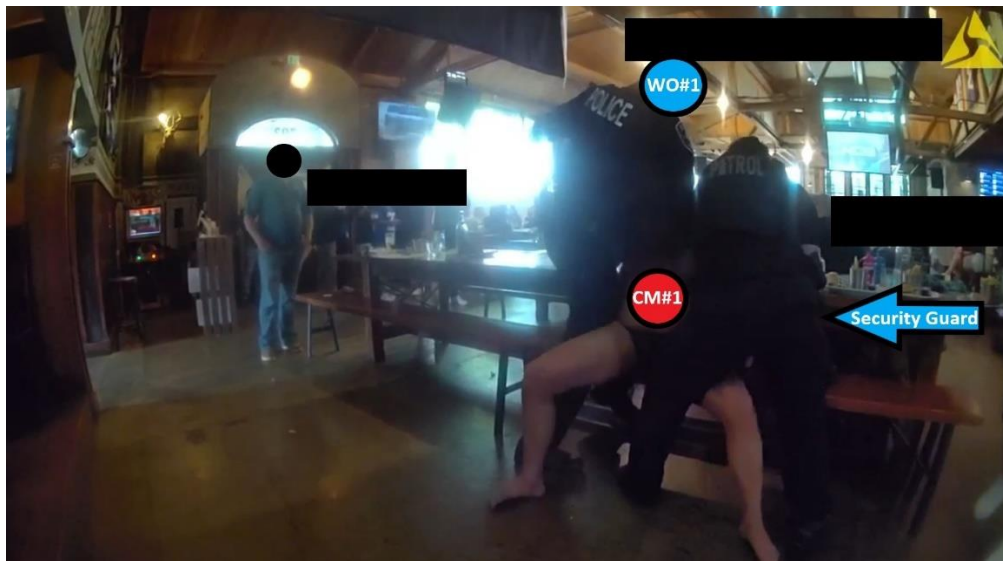
C. Body-Worn Video (BWV)

BWV captured the following:

WO#1 entered a bar² and approached CM#1, who wore only black underwear. CM#1 initially complied with NE#1's request to sit but soon stood and attempted to leave. WO#1 assisted CM#1 in returning to a seated position on a bench, while simultaneously securing CM#1's right arm, as a security guard held onto CM#1's left arm. WO#1 instructed CM#1 to stop resisting and warned him about a potential Taser deployment. CM#1 tried pulling away, prompting WO#1 and the security guard to restrain him against the bench.³ WO#1's BWV fell during the struggle, and a bystander subsequently retrieved it and recorded the incident.

² WO#1's incident report stated that WO#1 located CM#1 elsewhere, but CM#1 disobeyed commands and walked away. The report further stated that WO#1 followed CM#1 to a bar, where WO#1 entered to protect the patrons inside, given CM#1's violent behavior.

³ WO#1's incident report stated that CM#1 and the floor were slippery, hindering his ability to control CM#1.



CM#1 persistently tried pulling away while WO#1 and the security guard held him against the bench. NE#1 and WO#2 approached CM#1. WO#2 replaced the security guard and grabbed CM#1's left arm. WO#1 and WO#2 maneuvered CM#1's arms behind his back as NE#1 secured CM#1's upper body.⁴ NE#1 asked whether he should Tase CM#1. WO#1 replied, "Uh, we're getting there." NE#1 then drew his Taser and warned CM#1 three times about a Taser deployment. WO#1 encouraged, "Yeah, go ahead, [NE#1]." NE#1 deployed two Taser probes, striking CM#1's left thigh and chest. NE#1's Taser beeped, delivering a five-second pulse. CM#1 groaned and stiffened. Officers instructed CM#1 to lie on the ground, but he freed his left arm from WO#2's hold. NE#1 again deployed his Taser, which beeped, delivering a five-second pulse. CM#1 groaned, stiffened, fell to the ground onto his stomach, and rolled onto his right side.

Officers instructed CM#1 to lie on his stomach, but he disobeyed. NE#1's Taser emitted a charging sound.⁵ NE#1 provided another Taser warning, after which his Taser emitted a charging sound. Despite this warning, CM#1 remained on his right side and refused to position his hands behind his back.⁶ CM#1 grabbed WO#1's radio, prompting WO#1 to shout, "Let go of the radio!"

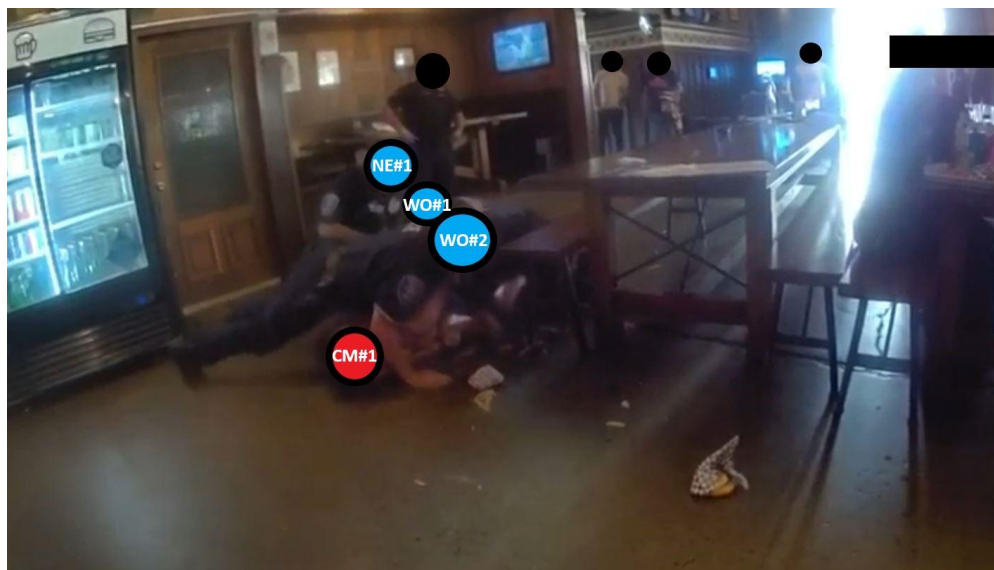
⁴ WO#2 documented in his supplement report, "I also immediately noticed [CM#1's] skin was very slick and nearly impossible to grab onto. I was never able to figure out why."

⁵ The charging sound indicated an unsuccessful delivery of an electrical pulse due to a broken circuit.

⁶ NE#1's use-of-force statement indicated that he grabbed CM#1's ankle to prevent CM#1 from kicking him.



NE#1's Taser emitted a charging sound. NE#1 briefly pressed his Taser against CM#1's left thigh, causing it to beep. CM#1 groaned and twitched but remained on his right side. NE#1's Taser emitted a charging sound, followed by another charging sound. WO#1 and WO#2 struggled to maneuver CM#1's arms behind his back. WO#2 applied his upper body weight against CM#1's back.

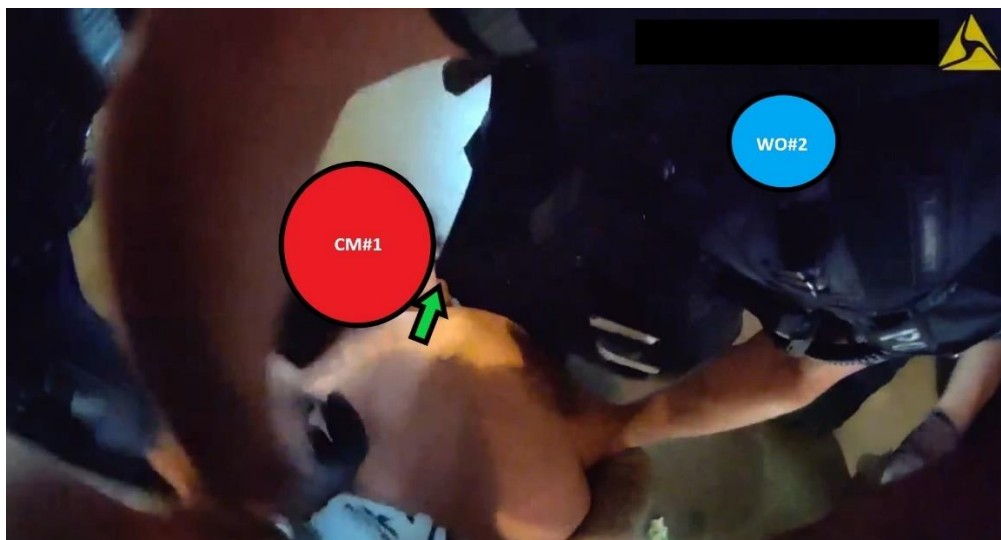


NE#1 deployed a third Taser probe, striking CM#1's right thigh. NE#1's Taser beeped, delivering a five-second pulse. CM#1 groaned, turned onto his stomach, and then shifted back onto his right side. WO#1 maneuvered CM#1's left arm behind his back. NE#1 warned CM#1 about a Taser deployment if he did not place his arms behind his back. Upon a Witness Supervisor #1's (WS#1) arrival, the officers maneuvered CM#1 onto his stomach, with WS#1 kneeling on CM#1's shoulder blade. The officers then secured CM#1's arms behind his back and handcuffed him, but CM#1 grabbed WO#1's radio cord. The officers tried to unclench CM#1's fist.



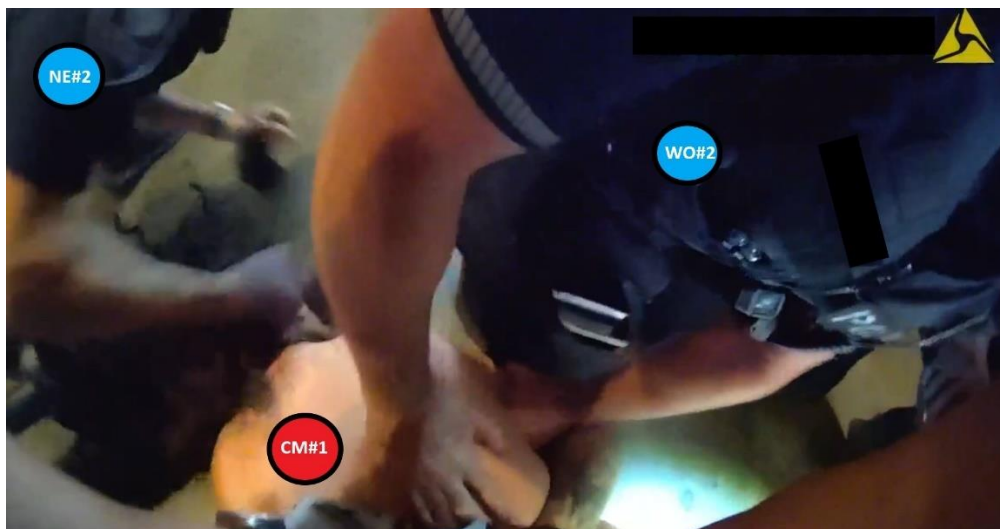
NE#1 warned CM#1 about a Taser deployment if he did not release the chord, but CM#1 disobeyed. NE#1 deployed his Taser, which beeped, delivering a five-second pulse. CM#1 groaned as officers pried the chord from his grasp.

NE#2 approached CM#1. CM#1 bit WO#2's right pant leg, prompting WO#2 to shout, "Let go!"⁷ NE#1 warned CM#1 about a Taser deployment if he did not release his bite, but CM#1 disobeyed. NE#1 deployed his Taser, which beeped, delivering a five-second pulse. CM#1 groaned but continued to maintain his bite.



WO#2 reiterated, "Let go of my pant leg." NE#2 punched the right side of CM#1's face, prompting CM#1 to cease biting.

⁷ WO#2 documented in his supplement report, "[CM#1] was not able to able to get to my flesh, but it was clear he was trying aggressively to do so."



Multiple officers held CM#1 down on his stomach. NE#1 and other officers confirmed that the Taser probes should remain connected to CM#1 if he attempted to resist again. An officer placed a spit mask over CM#1's head. CM#1 was secured on a gurney before being transported to a hospital by American Medical Response.

D. Use-of-Force Reports

Named Employee #1

NE#1's type II⁸ use-of-force statement described a situation in which CM#1 was in a crowded bar, exhibiting agitation that posed a risk to public safety if he were not apprehended. NE#1 wrote that WO#1 struggled to control CM#1 due to the slippery floor. NE#1 wrote that CM#1 actively resisted, wore only an underwear, appeared wild eyed and sweaty, and seemed to be under the influence. NE#1 wrote that by the time he arrived, WO#1 and the security guard had been restraining CM#1 for over three minutes. NE#1 expressed concern that the ongoing struggle with CM#1 on the slippery floor, particularly as CM#1 attempted to grab the officers' equipment, was unsafe and could escalate to a higher use of force. NE#1 decided to Tase CM#1 to ensure everyone's safety.

NE#1 articulated the following reason for deploying his Taser after CM#1 was handcuffed:

[CM#1] then had gotten a grip of [WO#1's] mic cord and refused to let go. [CM#1] was pulling [WO#1] in and refusing to cooperate, while continuing to resist while in handcuffs. [WO#1] could not pull away at this point. [CM#1's] other hand was reaching and attempting to grab anything he could from [WO#1], who was on top of [CM#1] trying to gain control of him. I feared [CM#1] would grab [WO#1] and injure him or grab something on his person and set it off (pepper spray). Officers gave [CM#1] an additional warning to let go of the mic or I would tase him again. [CM#1] did not comply, so I reenergized him again and Officers were able to pull the cord out of his grip.

⁸ Type II is force that causes, or is reasonably expected to cause, physical injury requiring medical treatment greater than basic first aid. SPD Policy 8.050. Type II force includes, among other things, the use of a less lethal tool that contacts a person. SPD Policy 8.400-POL-1.



Moreover, NE#1 articulated the following reason for deploying his Taser again while CM#1 was handcuffed:

[CM#1] then began biting [WO#2's] right leg, Officers ordered [CM#1] to stop biting him. I gave him an additional warning to stop, or I would taser him again. [CM#1] did not comply again, so I reenergized him, but the connection was not good. [NE#2] was able to stop [CM#1] from biting [WO#2] with a punch to the head/face.

Named Employee #2

NE#2's type I⁹ use-of-force statement indicated that CM#1 bit WO#2's leg, so NE#2 "delivered a straight strike, with a closed fist, to the right side of [CM#1's] face/cheek area." NE#2 reasoned, "The force used was necessary to stop [CM#1] from assaulting (biting) [WO#2]. The force used was effective, as [CM#1] immediately released his grip on [WO#2]."

E. OPA Interviews

Named Employees

On November 5, 2024, OPA interviewed the named employees. Their statements were consistent with the evidence summarized above.

Witness Supervisor #1

On November 5, 2024, OPA interviewed WS#1. WS#1 described CM#1 as strong and aggressive, leading to difficulties for the officers in controlling him. WS#1 opined that NE#1's multiple Taser deployments and NE#2's punch were objectively reasonable, necessary, and proportional under the circumstances. WS#1 likened CM#1's bite to a "rabid dog latching onto a chew toy and not letting go."

Witness Officer #2

On November 25, 2024, OPA interviewed WO#2. WO#2 said CM#1's eyes were wide open and fully dilated, suggesting that CM#1 was in an altered mental state. WO#2 said controlling CM#1 was difficult due to CM#1's excessive sweating and the slippery floor. WO#2 described the struggle as intense, requiring all his strength to restrain CM#1. WO#2 said NE#2 punched CM#1 to get him to cease biting. WO#2 opined that NE#1's multiple Taser deployments and NE#2's punch were objectively reasonable, necessary, and proportional under the circumstances. WO#2 characterized CM#1's action as akin to "shark biting." WO#2 also presented a photograph to OPA, which showed bite marks from a salivating mouth on his pant leg.

⁹ Type I is force that causes pain or injury not requiring anything greater than basic first aid. SPD Policy 8.050. Type I force includes, among other things, a strike. SPD Policy 8.400-POL-1.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited

The Complainant alleged that NE#1's Taser deployments after CM#1 was handcuffed may have been inconsistent with policy.

Sworn officers are prohibited from using force under certain circumstances. SPD Policy 8.200-POL-2. Among other things, sworn officers will not use reportable force on restrained people unless it is reasonable, necessary, and proportional to protect a sworn employee, the subject, or member of the public from physical injury. *Id.*

NE#1's first Taser deployment after CM#1 was handcuffed was objectively reasonable, necessary, and proportional to protect WO#1 from physical injury. CM#1 grabbed WO#1's radio chord and refused to let go, hindering WO#1 from pulling away. CM#1 also tried to grab any equipment from WO#1. Despite being restrained on his stomach, CM#1 presented high levels of aggression and resistance, especially since he was purportedly under the influence. Multiple commands and warnings preceded NE#1's first Taser deployment. Multiple officers were seen attempting to unclench CM#1's fist, yet he remained noncompliant and continued to hold onto the radio chord. NE#1 had a reasonable concern that CM#1 might harm WO#1 or access something on his person that could pose a threat. The slippery condition of CM#1 and the floor further complicated the officers' efforts to restrain him, even after he was handcuffed. Therefore, NE#1's first Taser deployment was lawful and proper under these circumstances. Following the deployment, NE#1 modulated his level of force as the officers successfully removed the cord from CM#1's grip. OPA finds NE#1's first Taser deployment after CM#1 was handcuffed was objectively reasonable, necessary, and proportional by a preponderance of the evidence.

NE#1's second Taser deployment after CM#1 was handcuffed was also objectively reasonable, necessary, and proportional for the same reasons cited above—to protect WO#2 from physical injury. Even while handcuffed and lying on his stomach, CM#1's aggression was apparent through his attempts to bite WO#2's leg and refusing to let go



of WO#2's pant leg. Multiple commands and warnings preceded NE#1's second Taser deployment, yet CM#1 remained noncompliant by maintaining his bite. Although NE#1's second Taser deployment did not achieve its intended effect, it was lawful and proper under these circumstances. OPA similarly finds, NE#1's second Taser deployment after CM#1 was handcuffed, was objectively reasonable, necessary, and proportional by a preponderance of the evidence.

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

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

Named Employee #1 – Allegation #2

8.300 – Use of Force Tools, 8.300-POL-3 Taser 10, 4. Sworn Employees May Deploy a Taser in the Following Circumstances:

The Complainant alleged that NE#1's Taser deployments after CM#1 was handcuffed may have been inconsistent with policy.

Sworn employees may deploy a Taser in the following circumstances: (1) when a subject presents an immediate threat of harm to any person; or (2) when public safety interests dictate that a subject needs to be taken into custody and the level of resistance presented by the subject is (a) likely to cause injury to the sworn employee or subject, and (b) if hands-on control tactics or other force options would be likely to cause greater injury to the subject than using the Taser. SPD Policy 8.300-POL-3(4). In these circumstances, the force must be objectively reasonable, necessary, and proportional. *Id.*

NE#1's Taser deployments, including those that occurred pre-arrest, were lawful and proper for the same reasons cited in Named Employee #1 – Allegation #1. CM#1 posed an immediate danger to the bar patrons, having reportedly assaulted a security guard before entering the establishment. CM#1 then posed an immediate danger to the officers upon their arrival based on his noncompliance and exhibiting high levels of resistance and aggression.

Moreover, public safety interests warranted CM#1's apprehension, justifying NE#1's Taser deployments. Given CM#1's high levels of resistance, there was a substantial risk of injury to the officers and CM#1, particularly in the context of a crowded bar with a slippery floor. The ongoing application of hands-on control tactics could have resulted in greater harm to CM#1, as the officers may have been compelled to escalate their use of force due to the ineffectiveness of these tactics, particularly given CM#1's slippery condition from sweating. NE#1's Taser deployments were objectively reasonable, necessary, and proportional under the totality of the circumstances.

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

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



Named Employee #2 – Allegation #1

8.200 – Using Force, 8.200-POL-2. Use of Force: When Prohibited

The Complainant alleged that NE#2's punch after CM#1 was handcuffed may have been inconsistent with policy.

NE#2's punch after CM#1 was handcuffed was objectively reasonable, necessary, and proportional for the same reasons cited in Named Employee #1 – Allegation #1. Following NE#1's second Taser deployment, which failed in releasing CM#1's bite, NE#2 punched CM#1's face. SPD policy permits reportable force be used against restrained people to protect a sworn employee. Here, NE#2 reasonably believed that the "force used was necessary to stop [CM#1] from assaulting (biting) [WO#2]." The evidence supported NE#2's decision to punch CM#1 to protect WO#2. The effectiveness of NE#2's punch was evident, as CM#1 promptly ceased biting. NE#2's punch was lawful and proper under these circumstances. Furthermore, NE#2 subsequently modulated his level of force by controlling CM#1's head. OPA does not conclude, by a preponderance of the evidence, that NE#2's punch after CM#1 was handcuffed constituted prohibited force.

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

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