



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0396

Allegations of Misconduct & Director's Findings

Named Employee #1

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

Named Employee #2

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	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 and NE#2) arrested Community Member #1 (CM#1), a suspected impaired driver who ran a red light and resisted arrest. CM#1 alleged that the named employees applied unauthorized force during the handcuffing process, resulting in a chipped tooth.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 possibly communicating unprofessionally to CM#1. OPA sent NE#1's potential violation of SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) 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.

On November 15, 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 OPA complaint by reviewing the computer-aided dispatch call report, body-worn video (BWV), incident and supplement reports, use-of-force reports, and photographs. OPA was unable to reach CM#1 for an interview.

NE#1 conducted a traffic stop on CM#1 for running a red light. NE#2 arrived shortly afterward. BWV captured the named employees questioning CM#1, who spoke off-topic and admitted to drinking. CM#1 exited his vehicle but declined standardized field sobriety tests. NE#2 told CM#1 that he was being arrested for impaired driving. The named employees approached CM#1 to handcuff him.

The named employees grabbed CM#1's arms, but he refused to place his arms behind his back and repeatedly shouted, "No!" The named employees guided CM#1 to the front of a patrol vehicle and pressed his upper body against the hood, but he resisted their handcuffing attempts. The named employees guided CM#1 to the ground, with NE#2 issuing repeated commands to stop fighting. CM#1 pleaded, "Please stop," but still refused to place his arms behind his back. CM#1 grabbed NE#2's pant leg while he was on his stomach.



The named employees positioned CM#1's arms behind him while they knelt on his back, but he rolled onto his back, thwarting their handcuffing attempts. CM#1 rolled onto his side as NE#2 maintained control holds. The named employees repositioned CM#1 onto his stomach, at which point he promised he would stop resisting. NE#1 knelt on CM#1's shoulder blade while NE#2 crossed CM#1's legs. When CM#1 rolled onto his side again, NE#2 shouted, "Stop now!" The named employees again maneuvered CM#1 onto his stomach, but NE#1 struggled to handcuff him due to his continued resistance. CM#1 then rolled onto his back, prompting NE#1 to restrain CM#1's arms against his chest.



NE#1 warned CM#1 not to grab, or he would be punched. The named employees maneuvered CM#1 onto his stomach, positioned his arms behind his back, and handcuffed him. The named employees then helped CM#1 to his feet and pressed his body against his vehicle.

NE#2 Mirandized CM#1. After a Seattle Fire Department evaluation, CM#1 was transported to a hospital.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized

CM#1 alleged that the named employees applied unauthorized force during the handcuffing process.

Sworn employees 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 people. SPD Policy 8.200(1). Reasonableness must consider that sworn employees are often forced to make split-second decisions about the amount of force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the sworn employee's 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 sworn employee or others. SPD Policy 8.050. Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to sworn employees and others. *Id.* Sworn employees must rely on training, experience, and their assessment of the situation to decide an appropriate level of force. *Id.*

A preponderance of the evidence showed that the named employees applied objectively reasonable, necessary, and proportional force during their attempt to arrest CM#1 for driving under the influence. The named employees' use of force was largely *de minimis* and involved control holds. CM#1 exhibited significant resistance, thwarting the named



employees' efforts to handcuff him for an extended period. When the named employees pressed CM#1 against a patrol vehicle, they were still unable to handcuff him, requiring them to take him to the ground. Despite having his arms positioned behind him and lying on his stomach, CM#1 resisted handcuffing by either grabbing at the named employees or rolling onto his side or back. CM#1's high levels of resistance was so pronounced that, at times, the named employees elected to maintain control holds while waiting for additional officers to assist. During the prolonged handcuffing process, neither named employee struck CM#1 or used any tools. Although CM#1 sustained a chipped tooth, the circumstances surrounding the injury remain unclear and objective BWV showed the named employees' use of force was lawful and proper 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. Using Force: When Authorized

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)**