



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 24, 2025

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

CASE NUMBER: 2024OPA-0400

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)
# 2	8.100 – De-Escalation, 8.100-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Sworn Employees Will Use De-Escalation Tactics to Reduce the Need for Force	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:

Named Employee #1 (NE#1) was flagged down while driving on a street where a disturbance was occurring. Community Member #1 (CM#1) punched another person (Victim #1) in NE#1's presence. NE#1 exited his patrol vehicle and drew Taser. CM#1 displayed a lighter¹ and approached NE#1. NE#1 deployed his Taser. CM#1 fell backward and

¹ In his Force Investigation Team (FIT) interview, NE#1 described the lighter more as "like a blowtorch." The lighter is depicted below with a 6-inch ruler for scale:





struck his head against the sidewalk. It was alleged that NE#1 used unauthorized force by deploying his Taser and failed to de-escalate before using force.

ADMINISTRATIVE NOTE:

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 employee. As such, OPA did not interview the named employee in this case.

On January 16, 2025, 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), in-car video (ICV), incident report, and Force Investigation Team (FIT) reports. OPA was unable to reach CM#1 for an interview.

On October 14, 2024, BWV and ICV² captured NE#1 patrolling an area in his patrol vehicle when a person signaled for his attention, leading NE#1 to halt on the street. On the adjacent sidewalk, CM#1 kicked Victim #1, who then ran into the street in front of NE#1's patrol vehicle. CM#1 followed and punched Victim #1's face, causing Victim #1 to fall. Victim #1 went back on his feet but stepped away when NE#1 exited his patrol vehicle with his Taser aimed at CM#1. NE#1 stood near the driver's side door of the patrol vehicle, while CM#1 stood near the passenger's side door, brandishing a lighter toward NE#1.



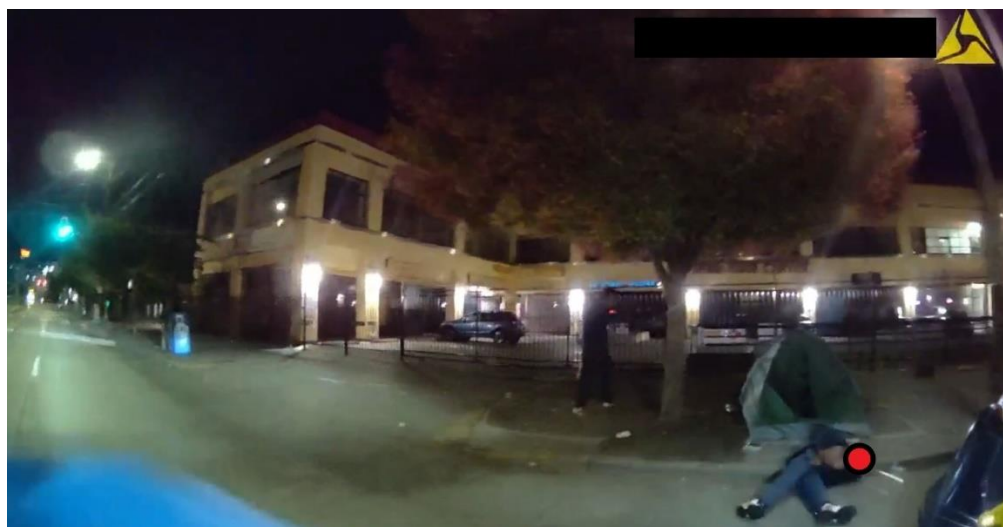
*In the picture above, NE#1 is shown in blue, Victim #1 in green, and CM#1 in red.
Lighter indicated with red arrow.*

CM#1 approached NE#1 by moving in front of the patrol vehicle. In response, NE#1 deployed his Taser at CM#1.

² Both BWV and ICV lacked audio. BWV audio began after NE#1's Taser deployment.



CM#1 fell backward, striking his head against the pavement. A sergeant arrived and handcuffed CM#1.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

It was alleged that NE#1 used unauthorized force by deploying his Taser.

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.*

NE#1's use of force was objectively reasonable, necessary, and proportional. NE#1 had just observed CM#1 assault Victim #1. Before the incident involving Victim #1, CM#1 reportedly assaulted another community member. CM#1 threatened NE#1 by brandishing a lighter and advancing toward him. Given CM#1's aggressive disposition, noncompliance, and danger he posed to NE#1 and other community members, NE#1's Taser deployment was necessary to protect NE#1 and others. Once CM#1 was subdued, NE#1 modulated his force by issuing commands and permitting a sergeant to handcuff CM#1. NE#1's 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 #1 – Allegation #2

8.100 – De-Escalation, 8.100-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Sworn Employees Will Use De-Escalation Tactics to Reduce the Need for Force

It was alleged that NE#1 failed to de-escalate before using force.

When safe, feasible, and without compromising law enforcement priorities, sworn employees will use de-escalation tactics to reduce the need for force. SPD Policy 8.100-POL-1. Team approaches to de-escalation are encouraged and will consider sworn employee training and skill level, the number of sworn employees, and whether any sworn employee has successfully established rapport with the subject. *Id.* The totality of the circumstances should guide de-escalation options, with the goal of attaining voluntary compliance through communication, time, distance, and shielding. *Id.*

Further de-escalation was infeasible under the circumstances for the reasons articulated above. NE#1 became involved in the disturbance when a community member signaled for his attention. Upon stopping in the street, NE#1 observed CM#1 assaulting Victim #1. After NE#1 exited his patrol vehicle, CM#1—who was clearly escalated and confrontational—brandished a lighter and advanced toward NE#1 without any warning. NE#1 refrained from deploying his Taser until CM#1 closed the distance between them to just a few feet. Here, further communication, time, distance, and shielding would have been ineffective due to CM#1's aggressive disposition and noncompliance. NE#1 also had an obligation to act in furtherance of law enforcement priorities by stopping CM#1's ongoing assault of Victim #1.

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

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