



CLOSED CASE SUMMARY

ISSUED DATE: MAY 28, 2025

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

CASE NUMBER: 2024OPA-0459

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Lawful and Proper

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Lawful and Proper
# 3	8.100 – De-Escalation, 8.00-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
# 4	6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	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 named employees (NE#1 and NE#2) executed a *Terry* stop on Community Member #1 (CM#1) under the suspicion that she was operating a stolen vehicle. After initially stopping and speaking with NE#2, CM#1 subsequently drove away and was later “arm checked” by NE#2, causing her to fall. CM#1 alleged that the named employees lacked reasonable suspicion for the stop, that the stop was executed based on her race and socio-economic status, and that NE#2 applied unauthorized force by “slamming” her to the ground, resulting in a fractured jaw. Finally, OPA alleged that NE#2 failed to de-escalate before applying force.



ADMINISTRATIVE NOTE:

On May 1, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On December 14, 2024, OPA responded to a Force Investigation Team (FIT) callout and learned the following:

On December 13, 2024, the named employees were patrolling the downtown area when they noticed a suspicious vehicle due to its make and model being commonly stolen and its presence in an area known for stolen vehicles. Through a routine check, the named employees learned that the vehicle was not reported as stolen but was registered to a male born in 1929. The driver of the vehicle—CM#1—was a female who appeared to be in her thirties. Convinced they had adequate reasonable suspicion, the named employees executed a *Terry* stop by activating their emergency lights. CM#1 drove through a stop sign before stopping. NE#2 briefly spoke with CM#1, who appeared argumentative. CM#1 then drove away. The named employees located the vehicle again and saw CM#1 walking away in a parking lot. CM#1 disobeyed NE#2's command to stop, leading NE#2 to push CM#1 to the ground. After CM#1 was arrested, she was transported to a hospital, where staff found scrapes and bruises on her knees and a fractured jaw.

CM#1 alleged that the named employees lacked reasonable suspicion for the stop, which she claimed was executed based on her race and socio-economic status. She also alleged that NE#2 applied unauthorized force by "slamming" her to the ground. Finally, OPA alleged that NE#2 failed to de-escalate before applying force.

OPA investigated this incident by reviewing the incident report, body-worn video (BWV), in-car video (ICV), private security video, and FIT records. OPA interviewed the named employees but was unable to contact CM#1.

B. Incident Report

NE#2's incident report stated the following:

On December 13, 2024, he and NE#1 were patrolling an area when they noticed a silver Honda Civic parked "directly outside" a nearby encampment known for housing stolen vehicles. A female in her thirties appeared to occupy the "older" Civic—a "commonly stolen motor vehicle" due to its reputation for being "incredibly easy to steal." The vehicle registration returned to a male born in 1929. "Due to those facts and circumstances, [the named employees] suspected the vehicle may be stolen and decided to conduct a Terry Stop of the vehicle."

BWV, ICV, and a private security video then captured the events that followed.

C. Body-Worn Video (BWV), In-Car Video (ICV), and Private Security Video

The named employees were in one patrol truck, with NE#1 as the driver and NE#2 as the passenger. The patrol truck was parked in the center of a street beside another patrol vehicle. NE#1 drove toward the sidewalk on his right, allowing a silver Honda Civic—driven by CM#1—to pass him on his left. NE#1 immediately drove behind the Civic and activated his emergency lights and sirens.



The image above was taken from the patrol truck's ICV.

CM#1 braked but continued moving toward the stop sign. The Civic passed the stop sign and the white line adjacent to it before completely stopping. NE#1 drove directly behind CM#1.



The image above was taken from the patrol truck's ICV.

NE#2 radioed, "Got a Honda about to take off from us" and announced its license plate number. CM#1 turned right, followed closely by NE#1. NE#2 radioed the Civic's location and its "slow rolling" status. After about 20 seconds of following the Civic after it turned right, NE#2 radioed, "And pulling over." CM#1 pulled over to the right side of the street. NE#1 parked behind the Civic, after which NE#2 exited the patrol truck and approached the Civic from the passenger side. The Civic's rear windshield appeared to be fogged, while the passenger side windows showed less fogging.



The image above was taken from NE#2's BWV.

After NE#2 knocked on the passenger side window, Community Member #2 (CM#2), who was seated in the passenger seat, lowered the window. NE#2 introduced himself and asked about the ownership of the Civic. CM#2 initially stated it belonged to his ex-girlfriend before correcting himself to say it belonged to his girlfriend. NE#2 requested to see a driver's license, registration, and proof of insurance. CM#1 questioned the reason for the stop, to which NE#2 replied, "You failed to come to a complete stop when you made a right turn onto Dearborn." CM#1 disputed this claim, prompting NE#2 to once again ask for CM#1's vehicle documentation. CM#1 replied, "What are you talking about? You guys – you guys literally turned your lights on before I even got to the stop sign." NE#2 repeated his request for CM#1's vehicle documentation for the third time, to which CM#1 shouted, "No!" CM#1 then drove away. NE#2 returned to the patrol truck.

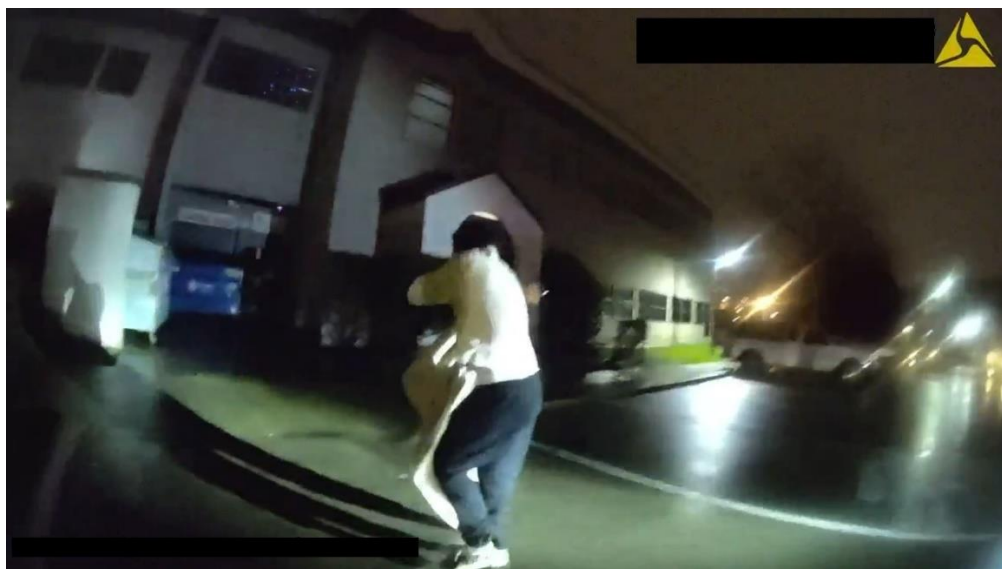
The named employees eventually located the Civic parked on a street.¹ After NE#1 parked behind it, NE#2 and a backing officer ran after CM#1, who was walking away from NE#2 in a parking lot. As they quickly approached CM#1, NE#2 shouted, "Stop! Seattle police! Stop!" CM#1 continued to walk away, holding a jacket in her right hand, while her left hand remained visible.

¹ According to NE#2's incident report, CM#1 "exited the vehicle and ran away from the car."



The image above was taken from NE#2's BWV.

As NE#2 quickly approached, CM#1 tucked her left hand into her chest area, obscuring it from view.



The image above was taken from NE#2's BWV.



The image above was taken from a private security video.

NE#2 pushed CM#1's shoulder or back area using his left forearm,² propelling her toward the ground.



The image above was taken from NE#2's BWV.

CM#1 braced her fall using her right arm.

² NE#2 stated during his FIT interview that he used both forearms to push CM#1.



The image above was taken from a private security video.

CM#1 appeared to have landed with both arms in front of her. CM#1's head appeared to contact the ground.



The image above was taken from a private security video.

CM#1 went on her left side and shouted, "Ow, ow, ow! What are you doing?" NE#2 told CM#1 that she was under arrest and then rolled her onto her stomach. NE#1 and NE#2 handcuffed CM#1. NE#2 then assisted CM#1 to her feet. CM#1 questioned why the officers were "fucking" with her, to which NE#2 explained that she was not allowed to leave the scene of a traffic stop.



As NE#2 escorted CM#1 to the patrol vehicles, he asked whether the Civic belonged to her, to which she replied no. NE#2 Mirandized CM#1 and asked about the ownership of the Civic, to which she replied CM#2. CM#1 also acknowledged that she had warrants. NE#2 searched CM#1 and then placed her in the rear of a patrol vehicle, where she claimed that she had sustained a knee injury when NE#2 “slammed” her to the ground. CM#1 was then transported to the King County Jail.³

D. Force Investigation Team (FIT) Records

NE#1’s FIT Interview

On December 14, 2024, FIT interviewed NE#1. He said he and NE#2, both Community Response Group members, were proactively patrolling a hotspot area to deter crime and narcotics-related activities. He said he personally addressed stolen vehicle crimes and other crimes in this area. He estimated that he parked 20 yards away from the Civic when NE#2 conducted a routine check on its license plate. He said several factors prompted the routine check, including the vehicle’s year and type (an early 2000 Honda Civic), which is frequently targeted for theft, the location of the Civic being associated with stolen vehicles and individuals with warrants or involved in narcotics, and the time of day (nighttime). He said the Civic was not seized at that point. He said he noticed CM#1—a female in her thirties—in the driver seat, who opened the door, looked at him and NE#2, and then closed the door. He said he had difficulty seeing inside the Civic due to its foggy windows, which prevented him from identifying any other occupants. He said NE#2 told him that the Civic was not reported stolen, but the registered owner was a male born in the 1920s, which he found odd. He said the Civic was found far from the registered owner’s address. He believed they had sufficient facts to execute a *Terry* stop once CM#1 did not match the registered owner, as they suspected the Civic was possibly an unreported stolen vehicle. He said CM#1 “became uncomfortable with the situation” by attempting to “slip away conveniently” and to avoid being seen.

NE#1 said he executed a *Terry* stop on CM#1, who initially pulled over but then eluded the police. He said officers later located CM#1, who walked away and disobeyed commands to stop. He said this situation placed them at “greater risk” because they believed the Civic was an unreported stolen vehicle, and stolen vehicle suspects are often armed. He said he saw NE#2 push CM#1 to the ground using his forearms. He said he handcuffed CM#1 and discovered through a records check that she had two misdemeanor warrants. NE#1 said he then spoke with CM#2, who told him that CM#1 expressed a refusal to return to jail. NE#1 said the Civic was released to CM#2, the registered owner. NE#1 said CM#2 claimed to have asked CM#1 to drive for him due to his poor eyesight at night.

NE#2’s FIT Interview

On December 14, 2024, FIT interviewed NE#2. His statements were largely consistent with NE#1’s. Additionally, he said he made eye contact with CM#1 as she drove past their patrol truck and noticed her pupils to be “pinpoint,” which he attributed to narcotics based on his training and experience. He described CM#1 as disheveled, exhibiting “twitchy” head movements, and “frantically moving” within the Civic. He said he did not see CM#2 inside because another officer told him that CM#2 had his seat fully reclined. He said he told CM#1 that she drove past the stop sign as the reason for the traffic stop to gauge her compliance. He said he wanted to further investigate the Civic’s status without alerting CM#1 to his intentions. He said if he had disclosed the true reason for the stop, CM#1 might have immediately driven away, potentially resulting in a collision. He said CM#1 was agitated, furthering his suspicion that she was under the influence.

³ According to NE#2’s incident report, the Civic was “secured on scene after being confirmed not stolen.”



NE#2 said CM#1 was “speedwalking” away in the parking lot with her hands tucked inside while disobeying his commands to stop. He expressed concern about being unable to see CM#1’s hands, as she might have been concealing a weapon. He said he “arm checked” CM#1 by positioning his forearms at a 90-degree angle in front of his body and pushing her back, resulting in her falling to her side. He said he did not see her hitting her head. He said he applied force in this manner because he had probable cause to arrest CM#1 for eluding the police, she exited what he suspected to be a stolen vehicle, which often contains weapons based on his training and experience, and she was noncompliant. He felt he needed to take her off balance and place her in a disadvantageous position to control her hands for the arrest. He said he had previously executed a full arm wrap tackle against fleeing stolen vehicle suspects but chose not to do this here because CM#1 was a female of smaller stature, and he did not feel he needed to drive her into the ground, land on top of her, and possibly cause her further injury. He also noted that he sustained an injury the last time he tackled someone using an arm wrap, so he aimed to avoid that again. He expressed confidence that CM#1’s hands were empty while she was on the ground, so he felt no need to apply additional force, such as striking.

E. OPA Interviews

NE#1’s OPA Interview

On April 10, 2025, OPA interviewed NE#1. His statements were consistent with his and NE#2’s statements made during their FIT interviews. Additionally, he explained that he had personally recovered stolen vehicles of models akin to the Civic. He said this area was known for stolen vehicles, narcotics-related activities, thefts, assaults, shootings, and stabbings. He said he was unaware of CM#1’s race before executing the *Terry* stop and denied taking police action based on race or socioeconomic class.

NE#2’s OPA Interview

On April 10, 2025, OPA interviewed NE#2. His statements were consistent with his and NE#1’s statements made during their FIT interviews. Additionally, he explained that he had personally observed narcotics-related activities and assaults in the area where he saw the Civic, in addition to personally recovering stolen vehicles. He noted that elderly individuals are frequently targeted because they do not drive their vehicles often, resulting in a significant delay before they realize their vehicles have been stolen. He said he suspected that the Civic was either stolen or had its license plate swapped. He said he was unaware of CM#1’s race before executing the *Terry* stop and denied taking police action based on race or socioeconomic class.⁴

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

CM#1 alleged that the named employees executed a *Terry* stop based on her race and socio-economic status.

Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatment based on race and economic status. *See id.* Officers are forbidden

⁴ NE#2 did not mention observing signs of impairment in CM#1’s eyes during his OPA interview—an observation he had made during his FIT interview.



from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140-POL-2.

This allegation is unfounded. The cumulative evidence showed that the named employees stopped CM#1 based on their suspicion that the Civic she was driving was an unreported stolen vehicle. Although the named employees briefly saw CM#1 when she opened the driver's door, their observation reinforced their suspicion, as she did not match the physical features of the registered owner (a male born in 1929). There was no evidence linking the stop to CM#1's race or socio-economic status.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

CM#1 alleged that the named employees lacked reasonable suspicion for the stop.

Terry stops are seizures of an individual and, as such, must be based on reasonable suspicion to be lawful. SPD Policy 6.220-POL-2(1). A Terry stop is a brief, minimally intrusive seizure of a subject based on reasonable articulable suspicion to investigate possible criminal activity. SPD Policy 6.220-POL-1. Reasonable suspicion means specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct. Id. The reasonableness of a Terry stop is based on the totality of the circumstances, the officer's training and experience, and what the officer knew before the stop. Id. While information learned during the stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, it cannot justify the original stop. Id.

OPA finds that the named employees had sufficient reasonable suspicion to execute a *Terry stop*, even before CM#1 drove past the stop sign. The named employees detailed their extensive experience in responding to a variety of crimes in this area, particularly emphasizing their personal involvement in recovering numerous stolen vehicles. In this high-crime area during nighttime, they observed a Honda Civic of a model and year known to be commonly stolen due to its reputation for being "incredibly easy to steal." Their personal observations included seeing CM#1—a female in her thirties—with the driver's side door open, looking at them, and reportedly attempting to "slip away conveniently" to avoid being seen. These facts considered together with the Civic being registered to a male born in 1929, which did not match CM#1's physical characteristics, elevated the situation to a level of reasonable articulable suspicion. The named employees reported being unable to see anyone else inside the vehicle, so they had no reason to believe the registered owner was present. Finally, the Civic was located far from the registered owner's address. The totality of these circumstances indicated possible criminal activity, justifying a *Terry stop*, even without CM#1's traffic violation.

Finally, OPA cannot conclude how clearly NE#2 could have observed CM#1's pupils—which he described in his FIT interview as "pinpoint"—at night through foggy windows and for just a fleeting moment as she drove past the officers' patrol truck. NE#2 reported this observation during his FIT interview shortly after the incident but did not mention it during his later OPA interview. Ultimately, OPA finds that the named employees had sufficient reasonable suspicion to execute a *Terry stop* for the other reasons cited above, regardless of this factor.



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

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

Named Employee #2 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

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

The Complainant alleged that NE#2 applied unauthorized force by “slamming” her to the ground, resulting in a fractured jaw.

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 established NE#2 applied objectively reasonable, necessary, and proportional force by “arm checking” CM#1. The force was objectively reasonable because CM#1, who was suspected of vehicle theft, had just fled from the police during a lawful traffic stop, giving NE#2 probable cause to arrest CM#1 for eluding the police, a felony.⁵ When NE#2 encountered CM#1 in the parking lot, there were valid safety concerns about CM#1 potentially being armed, considering that stolen vehicle suspects are often armed, and CM#1’s hands were obscured from view as NE#2 quickly approached. In fact, CM#1 tucked her left hand into her chest area right before NE#2 physically contacted her, raising concerns that she might have been reaching for a weapon. Thus, the type and amount of force NE#2 applied was reasonable and proportional, aimed at protecting the officers from any potential threat and facilitating a lawful arrest. The force was necessary because there were no reasonable alternatives to disrupt CM#1’s behavior as she continued to walk away despite being ordered to stop. The force was proportional because NE#2

⁵ RCW 46.61.024.



considered the overall circumstances while applying an appropriate amount of force. Specifically, NE#2's force involved a forearm push against CM#1's back, which NE#2 asserted was intended to destabilize her and place her in a disadvantageous position. NE#2 also considered CM#1's smaller stature before he applied the arm check. Such force was proportional to the felony-level crimes CM#1 was suspected of committing (vehicle theft and eluding). NE#2 modulated his force once CM#1 fell, choosing not to strike her, instead rolling her onto her stomach for handcuffing.

Although NE#2's force triggered a type III⁶ use-of-force investigation, the evidence regarding whether the force caused CM#1's fractured jaw was inconclusive. Video footage did show CM#1's head contacting the ground, but did not definitively show CM#1 striking her head against the pavement in a way that would have caused such injury. At the scene, CM#1 only reported experiencing knee pain, which was consistent with the scrapes on her knees resulting from her fall. She did not indicate any pain in her jaw area at that time. When hospital personnel later diagnosed a fractured jaw, they could not determine whether it was a recent or pre-existing injury. Therefore, it remains entirely plausible that CM#1 already had a fractured jaw before NE#2 performed an arm check on her. Regardless of this injury and the uncertainty surrounding its origin, OPA ultimately finds that NE#2 applied lawful and proper force under the totality of the circumstances known to him at the time.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.⁷

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

Named Employee #2 – Allegation #3

8.100 – De-Escalation, 8.00-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Sworn Employees Will Use De-Escalation Tactics to Reduce the Need for Force

OPA alleged that NE#2 failed to de-escalate before applying 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.*

NE#2 adequately de-escalated in this situation. He began his interaction with CM#1 in a calm manner during the traffic stop, even though CM#1 disagreed with the rationale behind it. Although NE#2 initially provided the traffic violation as the reason for the traffic stop, NE#2 explained this was intended to gauge CM#1's compliance and to further investigate the possible stolen status of the Civic without alerting her of his intent. However, further communication on this point and de-escalation became infeasible once CM#1 elected to flee while she was legally detained. When

⁶ Type III is force that causes, or is reasonably expected to cause, great bodily harm, substantial bodily harm, loss of consciousness, or death. SPD Policy 8.050. Type III force includes, among other things, a broken bone. SPD Policy 8.400-POL-1.

⁷ OPA notes some similarities between the mechanism of force here and those considered in 2025OPA-0125, which became the subject of a Management Action Recommendation. Differences between the facts present in that case and those here guided OPA's recommendation for a finding of Not Sustained – Lawful and Proper in this case. Those differences included the different levels of crime, outdoor versus indoor location, whether the subjects were walking versus running, and varying actions of the subjects immediately before the uses of force.



NE#2 rapidly approached CM#1 in a parking lot away from the initial detainment site, she disobeyed commands to stop and continued to walk away, with her hands hidden from view. This situation posed a safety concern for the named employees, as they were unaware of whether CM#1 was armed, given that stolen vehicle suspects are frequently armed. Overall, a preponderance of the evidence established NE#2 de-escalating to the extent feasible under the circumstances.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #4

6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

For the reasons articulated in Named Employee #1 – Allegation #2, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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