



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 3, 2025

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

CASE NUMBER: 2025OPA-0008

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 - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 3	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 (Expedited)
# 4	7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	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 (Expedited)
# 2	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Unfounded (Expedited)
# 3	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 4	7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Unfounded (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 3	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 (Expedited)
# 4	7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence	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:

The named employees (NE#1, NE#2, and NE#3) responded to a disturbance at a Safeway and subsequently arrested the Complainant for trespassing. The Complainant alleged that the named employees unlawfully detained him, applied unauthorized force during the arrest, exhibited racial bias against him, and seized his belongings without returning them or entering them into evidence.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#3 failed to notify the Complainant that he was being recorded. OPA sent NE#3's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to her 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 February 19, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA also interviewed the Complainant and a community member who observed the incident.

On December 31, 2024, CAD call remarks noted a high or intoxicated male in a parking lot banging on store entrances, running around, and removing his clothing.

BWV captured the named employees responding to a Safeway, with NE#1 and NE#3 being the first to arrive. The Complainant, appearing to be under the influence, attempted to reenter the Safeway after being removed and attempted to open the door of a patrol vehicle. The Complainant declined a Seattle Fire Department (SFD) evaluation and declined NE#1's suggestion to leave. The Complainant claimed his belongings were inside the patrol vehicle. NE#1 opened the patrol vehicle and showed that his belongings were not present. Despite NE#1's and NE#3's repeated requests for the Complainant to leave, he continued to refuse. After NE#2 arrived, the Complainant accused the named employees of being racists. When a Safeway manager requested the police to remove the Complainant, the named employees instructed the Complainant to leave, as he had been trespassing. The named employees provided the Complainant with several opportunities to leave voluntarily, but he declined to do so.

NE#1 and NE#3 positioned the Complainant's hands behind his back, handcuffed him, and escorted him to a patrol vehicle, where he alleged physical abuse. The Complainant lowered himself to a seated position and shouted, "Ow!"

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).



At the time NE#3 was holding the Complainant's arm and shoulder, he alleged that NE#3 was breaking his arm and kneeling on his neck in a manner akin to the George Floyd incident. The Complainant also accused the named employees of "killing" him. Following the Complainant's request to lie down, NE#3 and a backing officer placed him on his side in the recovery position. NE#1 gave the Complainant's belongings to his cousin. Officers secured the Complainant to a gurney, during which he repeatedly shouted "ow," alleging a broken arm. The Complainant also alleged that the officers seized his belongings, but the Complainant's cousin interjected, saying he was keeping them until the Complainant's release. American Medical Response transported the Complainant away.

OPA interviewed a community member who observed the incident. He said he did not see any named employee apply force in a manner consistent with the Complainant's allegations made at the scene.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that the named employees applied unauthorized force during his arrest.

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.*

This allegation is unfounded. BWV captured the named employees applying, at most, *de minimis*² force throughout their entire encounter with the Complainant. Specifically, the named employees restrained the Complainant during handcuffing, while he was on his side in the recovery position, and while he was being secured onto a gurney. Their control holds primarily consisted of holding his arms or upper body. A community member who observed the incident also corroborated their *de minimis* control holds. The named employees did not strike, punch, kick, or choke him in a manner alleged by the Complainant. Overall, OPA did not identify any named employee applying reportable force against the Complainant during this incident.

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

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

² *De minimis* force is an action meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury. Examples include, but are not limited to, using hands or equipment to stop, push back, separate, or escort, and using compliance holds without using sufficient force to cause pain. SPD Policy 8.050.



Named Employee #1 – Allegation #2

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

The Complainant alleged that the named employees exhibited racial bias against him.

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. *See id.* Officers are forbidden 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 named employees repeatedly requested the Complainant leave the area and offered him an SFD evaluation due to his condition. Nevertheless, the Complainant repeatedly rejected their offers of assistance. Moreover, the named employees gave the Complainant several opportunities to leave voluntarily when Safeway personnel requested his removal. The Complainant was arrested only after he refused to leave. Overall, OPA found no evidence supporting the Complainant’s interpretation of race-based mistreatment.

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

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

Named Employee #1 – Allegation #3

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

The Complainant alleged that the named employees unlawfully detained him.

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.*

As noted above, the Complainant was permitted to leave the area before Safeway personnel requested his removal. At that moment, the Complainant was not detained, as he was not suspected of committing any crimes. However, once Safeway personnel requested his removal, the named employees had, at minimum, reasonable suspicion to detain him for trespassing since he refused to leave the premises owned by Safeway.

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

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



Named Employee #1 – Allegation #4

7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence

The Complainant alleged that the named employees seized his belongings without returning them or entering them into evidence.

Officers collecting property, where the owner is known and the item collected is not evidence, may submit the property as evidence with a completed Property Release Supplement. SPD Policy 7.010-POL-7.

This allegation is unfounded. When the Complainant believed his belongings were in a patrol vehicle, the named employees repeatedly demonstrated that they were not present. Following the arrest, NE#1 placed the Complainant's belongings in a plastic bag and handed it to his cousin for safekeeping—a detail that the cousin communicated to the Complainant at the scene.

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

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

Named Employee #2 – Allegation #1

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 #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #2 – Allegation #2

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

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

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

Named Employee #2 – Allegation #3

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 #2, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #2 – Allegation #4



7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence

For the reasons articulated in Named Employee #1 – Allegation #4, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – 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 that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #2

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 #2, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #3

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 #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #3 – Allegation #4

7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence

For the reasons articulated in Named Employee #1 – Allegation #4, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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