



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 8, 2025

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

CASE NUMBER: 2025OPA-0019

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)

Named Employee #3

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 #4

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 #5

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 #6

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 through NE#6) responded to the Complainant striking vehicles with a pole. The Complainant alleged that the named employees applied unauthorized force by tackling and Tasing him.



ADMINISTRATIVE NOTE:

NE#1 allegedly mocked the Complainant. OPA sent NE#1's alleged violation of SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) to her chain of command for an "FYI" Supervisor Action.¹

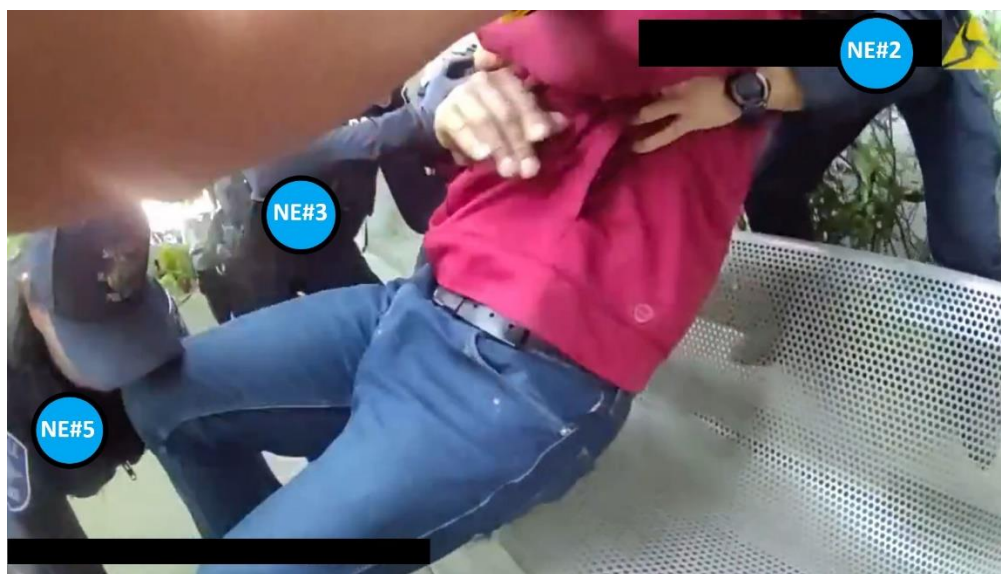
This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On February 21, 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), incident and supplement reports, use-of-force reports, and Force Review Board records. The Complainant declined OPA's request for an interview.

On April 21, 2024, CAD call remarks noted a male with an axe striking a vehicle. BWV captured the named employees responding to a sidewalk, where NE#4 instructed the Complainant to sit. He then sat on a bench with his arms crossed. NE#3 and NE#4 grabbed the Complainant's arms, with NE#3 saying they would handcuff him. He declined, asserting that he was not being confrontational. NE#3 and NE#4 attempted to free the Complainant's arms, but he resisted. The other named employees grabbed the Complainant's upper body, while NE#5 grabbed the Complainant's right leg. The Complainant shouted, "I'm not doing anything!" While continually shouting, the Complainant lifted himself off the bench, kneed NE#5's face, kicked at the air, and tried pulling away from them.



The image above was taken from NE#4's BWV. The Complainant wore a red hoodie.

¹ An "FYI" Supervisor Action generally involves a complaint deemed unfounded through the intake investigation that does not meet the criteria to be closed as a Contact Log. See OPA Internal Operations and Training Manual section 5.4(B)(ii). In these situations, OPA directs the chain of command to take no action other than informing the named employee of the complaint's closing. *Id.*



The named employees guided the Complainant to the ground in a seated position and restrained him against the bench. The Complainant shouted, "I hate you, [community member]!" NE#1 threatened to punch the Complainant's face. NE#4 deployed her Taser toward the Complainant's back, causing it to beep.



The image above was taken from NE#3's BWV.

NE#4 shouted, "Knock it off and stop fighting! You understand me? Stop fighting, or you'll be Tased again!" The Complainant acknowledged with an "okay." NE#1 instructed the Complainant to roll onto his stomach, which he did. While the named employees restrained the Complainant on his stomach, NE#1 handcuffed him.

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 by tackling and Tasing him.

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.*



The named employees applied objectively reasonable, necessary, and proportional force against the Complainant, whom they lawfully detained after multiple 911 callers reported seeing him strike multiple vehicles with a tool. Their use of force, including NE#4's Taser deployment, was objectively reasonable and necessary to overcome the Complainant's resistance and combative behavior, especially after he became noncompliant, assaulted NE#5, and attempted to escape their control holds. The named employees modulated their force once the Complainant complied, allowing him to roll onto his stomach before being handcuffed. Aside from NE#4's Taser deployment, which was lawful and proper, the named employees applied *de minimis*² control holds to facilitate the Complainant's arrest. Overall, a preponderance of the evidence established lawful and proper use of force under the circumstances.

The Complainant's allegation that he was tackled is unfounded, as BWV did not capture such force.

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

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

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

Named Employee #4 – 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 – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (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 #5 – 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 – Lawful and Proper (Expedited).

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

Named Employee #6 – 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 – Lawful and Proper (Expedited).

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