



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-0020

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.160 – Observation of Officers, 5.160-POL-2. People Have the Right to Record Police Officer Enforcement Activities	Not Sustained - Unfounded (Expedited)
# 2	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	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) served as a backing officer during Community Member #1's (CM#1) arrest. The Complainant alleged that NE#1 applied unauthorized force to prevent him from recording police activity.

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 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. The Complainant did not respond to OPA's requests for an interview.

On December 30, 2024, BWV captured two officers on a sidewalk detaining and subsequently arresting CM#1 for theft, while the Complainant was nearby with his phone raised, presumably recording. During the arrest, NE#1 told the Complainant that he was permitted to record. When the Complainant approached too closely, NE#1 extended his arm and instructed the Complainant to stay away and not to interfere with the arrest. The officers moved CM#1 to the front of a patrol vehicle, where the Complainant raised his phone toward the driver's side, presumably recording the laptop inside it. As an officer opened the door to close the laptop, NE#1 again extended his arm in front of the Complainant and instructed him to stay away from the patrol vehicle due to the private information on the laptop. The Complainant exclaimed, "Get your fucking hands off me, man." NE#1 replied, "All I did was step in front of you



because you're getting too close." The Complainant repeatedly insisted that NE#1 had touched him. NE#1 radioed for a supervisor after the Complainant requested one. A sergeant arrived and spoke with the Complainant.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.160 – Observation of Officers, 5.160-POL-2. People Have the Right to Record Police Officer Enforcement Activities

The Complainant alleged that NE#1 attempted to prevent him from recording police activity

People have the right to record police officer enforcement activities. SPD Policy 5.160-POL-2. However, the person's conduct and presence must not hinder, delay, or compromise legitimate police actions or rescue efforts, threaten the safety of the officers or members of the public, or attempt to incite others to violence. *Id.*

This allegation is unfounded. NE#1 repeatedly told the Complainant that he was permitted to record. NE#1's gestures appeared intended to maintain distance to prevent any potential interference. They did not appear intended to prevent the Complainant's ability to record.

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

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

Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 applied unauthorized force to prevent him from recording police activity.

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 did not show NE#1 physically contacting the Complainant in any manner. Even if contact occurred, it would have been *de minimis*,¹ as NE#1 aimed to maintain distance to prevent the Complainant from interfering with the arrest or observing sensitive information on a police laptop. BWV captured the Complainant coming close to the officers on two occasions, prompting NE#1 to extend his arm twice.

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

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

¹ *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.