



## CLOSED CASE SUMMARY

ISSUED DATE: JUNE 10, 2025

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

CASE NUMBER: 2025OPA-0031

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	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) conducted a traffic stop on the Complainant due to her failure to transfer the vehicle's title. The Complainant alleged that NE#1 acted unprofessionally by threatening to "break [her] fucking window." The Complainant also alleged that NE#1 applied unauthorized force by grabbing her wrist and assaulting her.

### 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 March 4, 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), citation/warning report, and photographs. The Complainant declined OPA's request for an interview.

According to NE#1's citation/warning report, on January 29, 2025, NE#1 conducted a traffic stop on the Complainant after discovering her failure to transfer the vehicle's title within 45 days of purchase. The report also stated that NE#1 was in the area due to a potential gunshot. BWV captured NE#1 approaching the Complainant's vehicle, which had tinted windows, during nighttime. NE#1 explained the reason for the stop, which the Complainant contested. She refused to engage any further and requested a sergeant. After NE#1 radioed for one, she began to roll up her window, prompting NE#1 to state, "Nope. I will break your window." She then opened it halfway. NE#1 reached through the window, unlocked the door, and opened it, but she tried to close it. NE#1 grabbed her wrist, but she pulled it away. NE#1 ordered her to exit, charged his Taser, and aimed it at her. She raised her hands but remained in the vehicle.



She then retrieved her phone and pointed it at NE#1, presumably recording him. She claimed that NE#1 unlawfully opened the door and applied unauthorized force against a pregnant woman. A sergeant responded to the scene, discussed the incident with NE#1 and the Complainant, and photographed the Complainant's wrist.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 acted unprofessionally by threatening to “break [her] fucking window.”

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.* Employees will avoid unnecessary escalation of events, even if those events do not end in reportable uses of force. *Id.* Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward anyone. *Id.*

NE#1 did not swear as the Complainant alleged. He stated, “I will break your window.” Moreover, BWV captured NE#1 explaining the reason for the stop and politely requesting appropriate documentation. The situation escalated due to the Complainant's noncompliance and confrontational disposition. Overall, a preponderance of the evidence showed this allegation to be unfounded.

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 by grabbing her wrist and assaulting her.

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.*



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NE#1 did not apply any reportable force throughout his encounter with the Complainant. To the extent that NE#1 applied *de minimis* force<sup>1</sup> by grabbing her wrist, that force was objectively reasonable, necessary, and proportional under the circumstances. While the Complainant was lawfully detained, she was noncompliant, confrontational, and acted in a way that could have posed a potential threat to NE#1, who was in the area at nighttime investigating a reported gunshot. The Complainant attempted to close her tinted window, which, if successful, would have obstructed NE#1's view inside, raising concerns that she might have reached for a weapon or driven away. NE#1's subsequent decisions to draw his Taser after she attempted to close her window and keep her door open throughout their encounter were reasonable, considering the officer safety concerns noted above. NE#1 did not apply force in a manner the Complainant alleged.

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

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

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<sup>1</sup> *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.