



CLOSED CASE SUMMARY

ISSUED DATE: JULY 9, 2025

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



CASE NUMBER: 2025OPA-0047

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 | 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional | Not Sustained - Unfounded (Expedited) |
| # 3 | 6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights | Not Sustained - Unfounded (Expedited) |

Named Employee #2

| Allegation(s): | | Director's Findings |
|----------------|---|---------------------------------------|
| # 1 | 8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized | Not Sustained - Unfounded (Expedited) |
| # 2 | 8.100 – De-Escalation, 8.100-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 |
| # 3 | 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional | Not Sustained - Unfounded |

Named Employee #3

| Allegation(s): | | Director's Findings |
|----------------|--|---------------------|
| # 1 | 6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights | Allegation Removed |

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:

On February 8, 2025, community members gathered in the Alki Beach area for an anti-Immigration and Customs Enforcement (ICE) demonstration. SPD officers, including the named employees (NE#1 and NE#2), were present to conduct crowd control. Multiple complainants alleged that NE#1 applied unauthorized force when he arrested Community Member #1 (CM#1) and failed to Mirandize him; that NE#1 applied unauthorized force and



inappropriately touched Community Member #2's (CM#2) breast while pushing her; and that NE#2 failed to de-escalate and applied unauthorized force by aiming his pepperball launcher at Community Member #3 (CM#3) and by pushing Community Member #4 (CM#4) to the ground.

ADMINISTRATIVE NOTE:

The allegations against NE#1 and the force allegation against NE#2 were 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 NE#1. As such, OPA did not interview NE#1 in this case. OPA also did not interview NE#2 with respect to the force allegation. On March 19, 2025, with respect to the force allegations against the named employees and the professionalism allegation against NE#1, OIG certified OPA's expedited investigation as thorough, timely, and objective. On April 8, 2025, with respect to the *Miranda* allegation against NE#1, OIG certified OPA's expedited investigation as thorough, timely, and objective.

The remaining allegations against NE#2 (de-escalation and professionalism) underwent a full investigation. On June 25, 2025, OIG certified OPA's full investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint and Unsubstantiated Misconduct Screening (UMS)

From February 8 to 10, 2025, multiple complainants submitted OPA complaints regarding SPD's response to an anti-ICE demonstration. They collectively alleged that SPD officers were aggressive, applied unauthorized force, aimed a weapon at a protester, and failed to Mirandize an arrested protester. Separately, on February 8, 2025, the incident commander (Lieutenant #1) submitted to OPA an unsubstantiated misconduct screening (UMS) form, which documented CM#2's allegation that NE#1 had pushed her nipple.

During OPA's investigation, OPA identified the named employees (NE#1 and NE#2) as the officers whose conduct the complainants wished to report. OPA investigated the complaints and UMS by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), videos submitted by community members, incident and supplement reports, and use-of-force statement. OPA also interviewed CM#2 and NE#2.¹

B. Computer-Aided Dispatch (CAD) Call Report and Body-Worn Video (BWV)

On February 8, 2025, at 1:41 PM, "Demonstrations" was coded into CAD.

BWV captured the following:

The named employees responded to Alki Beach, where protesters held an anti-ICE demonstration on a road, obstructing traffic. SPD officers, including the named employees, entered the crowd, arrested CM#1, an assault suspect, and placed him into a police van.² NE#1 ordered several protesters to relocate to the sidewalk. NE#1 then went in front of CM#2, who stood in the middle of the road, and ordered her to relocate to the sidewalk. CM#2 replied,

¹ OPA interviewed CM#2 on February 26, 2025. Her interview statements were consistent with her statements captured on BWV.

² Although neither named employee Mirandized CM#1, BWV captured a sergeant Mirandizing CM#1 after he had been transported away from the protest site.



“Don’t touch me” and refused to move. NE#1 then grabbed CM#2 by her right side beneath her armpit and her left shoulder and pushed her back.



The image above was taken from NE#1’s BWV. NE#1 grabbed CM#2’s right armpit and left shoulder.

As she was being pushed back, CM#2 extended her arms toward NE#1 and exclaimed, “Don’t touch me!” CM#2 claimed, “You touched my boob.” CM#2 told another protester, “He touched my breast!” NE#1 then approached other protesters and repeated his orders to them.

Inside a patrol vehicle, Lieutenant #1 used a long-range acoustic device (LRAD) to direct the protesters to relocate to the sidewalk or face arrest for obstructing the roadway. The protesters disobeyed, prompting Lieutenant #1 to approach the officers within the crowd. Lieutenant #1 instructed the officers to direct the protesters to relocate to the sidewalk. NE#2 retrieved a pepperball launcher and returned to the officers, who were directing the protesters to the sidewalk. Multiple protesters defied these orders and yelled at the officers.³ NE#2 repeatedly ordered the protesters to relocate to the sidewalk. CM#3, who remained on the road, told NE#2, “Shut the fuck up. No one cares about you. Shut up.” NE#2 responded, “Back up to the sidewalk” and pushed CM#3. NE#2 then pushed a protester’s right shoulder, after which she exclaimed, “You just fucking touched my breast!”

³ In his incident report, Lieutenant #1 wrote, “[Half of the crowd] appeared to be more interested in being confrontational than expressing their rights peacefully.”



The image above was taken from NE#2's BWV. The red arrow points to NE#2's left hand as it pushed the protester's right shoulder. On the right, CM#3 is wearing a gray sweater.

NE#2 continuously yelled, "Back up! On the sidewalk!" NE#2 went in front of CM#4, who remained on the road, and pushed her, causing her to lose balance and fall.⁴



The image above was taken from NE#2's BWV. The red arrow points to NE#2's left hand as it pushed CM#4's chest.

CM#4 quickly regained her footing and appeared to shout, "Mother fucker" at NE#2. The protesters, including CM#3 and CM#4, relocated to the sidewalk. CM#3 and another protester reentered the road with their phones raised at NE#2, who again shouted, "On the sidewalk!" They disobeyed NE#2's command. NE#2 pushed CM#3's chest with his left hand. As NE#2 withdrew his arm, CM#3 grabbed NE#2's wrist.

⁴ A video submitted by a community member appeared to show CM#4 landing on her buttocks.



The image above was taken from another officer's BWV. NE#2 (blue circle) is shown on the left. The red arrow points to CM#3 grabbing NE#2's wrist.

NE#2 freed his arm and then, for about one second, aimed his pepperball launcher at CM#3's chest.



The image above was taken from another officer's BWV.

NE#2 lowered his pepperball launcher and then stepped away from CM#3 while maintaining crowd control.



C. Use-of-Force Statement

Lieutenant #1 prepared a use-of-force statement regarding this incident. He articulated the need for applying force in the following manner:

After officers made a lawful arrest for assault where one protester assaulted another protester, the 150-200 person crowd entered the road way surrounding officers and police vehicles. This created a significant risk to officers, the crowd, and the suspect for whom we were responsible. Additionally, it caused a significant blockage of traffic. A reasonably alternative to having officers move the crowd back via a trained tactic was not available. Additionally, multiple warnings via the LRAD did not work, and the crowd did not move until officers made them.

He noted that the Police Outreach Engagement Team (POET) attempted to engage the crowd, but the crowd did not engage POET officers. He also noted that officers monitored the crowd “from a minimalist footprint” and allowed it to manage itself until it dispersed on its own.

D. OPA Interview

On April 24, 2025, OPA interviewed NE#2. NE#2 said his de-escalation tactics involved forming a line with fellow officers, issuing verbal commands, and permitting POET officers to engage the protesters. NE#2 said he guided the protesters back toward the sidewalk by pushing their shoulder or chest area. NE#2 justified this action by stating that the protesters disobeyed commands, and the road needed to be reopened. NE#2 recalled CM#3 grabbing his arm while pushing CM#3, which NE#2 interpreted as an assault. NE#2 said he did not arrest CM#3 due to insufficient resources and the possibility that an arrest could have escalated the situation. NE#2 said he instead aimed his pepperball launcher at CM#3, who promptly complied by raising his hands and stepping onto the sidewalk. NE#2 characterized this action as having a deterrent effect. NE#2 also noted that aiming a pepperball launcher at someone did not constitute reportable force. NE#2 believed he used all available tools at his disposal and did not apply reportable force during the demonstration. NE#2 also denied having unprofessional conduct throughout the incident.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The complainants alleged that NE#1 applied unauthorized force against CM#1 and CM#2.

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.*

NE#1 did not apply any reportable force while conducting crowd control. To the extent that NE#1 applied *de minimis* force⁵ by arresting CM#1 and escorting him away from the crowd, such force was objectively reasonable, necessary, and proportional under the circumstances. NE#1 had probable cause to arrest CM#1 for assault. NE#1, along with his fellow officers, executed a targeted arrest and quickly removed CM#1 from the crowd. To the extent that NE#1 applied *de minimis* force by pushing CM#2, such force was objectively reasonable, necessary, and proportional under the circumstances. CM#2 disobeyed NE#1's command to relocate to the sidewalk and instead remained in the roadway. NE#1's *de minimis* push was lawful and proper to achieve a law enforcement objective. Overall, NE#1 did not apply force in a manner the complainants alleged.

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

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

Named Employee #1 – Allegation #2

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

The complainants alleged that NE#1 inappropriately touched CM#2's breast while pushing her.

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.*

BWV captured NE#1 grabbing CM#2's right armpit and her left shoulder while he pushed her backward. There was no evidence to support CM#2's claim that NE#1 touched her nipple.

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

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

Named Employee #1 – Allegation #3

6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights

The complainants alleged that NE#1 failed to Mirandize CM#1.

⁵ *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.



Sworn employees will advise all arrestees of their full *Miranda* rights. SPD Policy 6.150-POL-1(1). Sworn employees will give this advisement to all people taken into custody, regardless of interview, as soon as practical. *Id.*

Although NE#1 did not Mirandize CM#1 after his arrest, BWV captured a sergeant Mirandizing CM#1 after he had been transported away from the protest site.

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

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

Named Employee #2 – Allegation #1

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

The complainants alleged that NE#2 applied unauthorized force by aiming his pepperball launcher at CM#3 and by pushing CM#4 to the ground.

NE#2 did not apply any reportable force when he aimed his pepperball launcher at CM#3. Although the complainants believed such action was unwarranted, BWV captured CM#3 grabbing NE#2's wrist area after being pushed toward the sidewalk. OPA finds that NE#2's action was reasonable, as CM#3 was noncompliant, confrontational, and grabbed NE#2's wrist area. Moreover, NE#2 did not apply any reportable force when he pushed CM#4 toward the sidewalk, despite her ultimately losing balance. To the extent that NE#2 applied *de minimis* force by pushing CM#4, such force was objectively reasonable, necessary, and proportional under the circumstances. CM#4 disobeyed NE#2's command to relocate to the sidewalk and instead remained in the roadway. NE#2's *de minimis* push was lawful and proper to achieve a law enforcement objective. Overall, NE#2 did not apply force in a manner the complainants alleged.

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

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

Named Employee #2 – Allegation #2

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

The complainants alleged that NE#2 failed to de-escalate before aiming his pepperball launcher at CM#3 and before pushing CM#4 to the ground.

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.*

This allegation is unfounded. Further de-escalation was unfeasible when considering the entirety of SPD's response, which reflected communication, time, and distance. Initially, POET officers attempted to engage the protesters, but



the protesters refused to engage the officers. Lieutenant #1 then used the LRAD to repeatedly instruct the protesters to relocate to the sidewalk or face arrest for obstruction. After providing the protesters with ample time to comply with Lieutenant #1's command, the officers moved into the crowd and verbally instructed the protesters to relocate. Some complied, while others did not. Several became verbally confrontational toward the officers while remaining on the roadway. Although NE#2 had the authority to arrest those who disobeyed lawful police commands, NE#2 instead applied *de minimis* force by guiding the noncompliant protesters, including CM#3 and CM#4, toward the sidewalk. CM#3 grabbed NE#2's wrist area while being guided backward, justifying NE#2's decision to briefly aim his pepperball launcher at CM#3. NE#2 promptly lowered his launcher upon securing CM#3's compliance. Overall, a preponderance of the evidence established NE#2 de-escalating to the extent feasible.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #3

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

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #3 – Allegation #1

6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights

During OPA's intake investigation, OPA classified this allegation against Named Employee #3 (NE#3), an unknown employee, as OPA could not identify any officer who had Mirandized CM#1. OPA later determined that a sergeant had Mirandized CM#1, as noted in Named Employee #1 – Allegation #3.

Accordingly, the allegation against NE#3 is removed.

Recommended Finding: **Allegation Removed**