



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 26, 2025

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

CASE NUMBER: 2025OPA-0087

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)
# 2	16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity	Not Sustained - Training Referral (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)

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#4) arrested the Complainant for assaulting NE#3. During the arrest, the named employees applied control holds, and NE#3 deployed his Taser. The Complainant alleged that the named employees applied unauthorized force by choking his face. OPA also alleged that NE#3 failed to timely activate his body-worn video (BWV) to record 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 employees. As such, OPA did not interview the named employees in this case.

On April 22, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA's investigation included reviewing the Unsubstantiated Misconduct Screening form, computer-aided dispatch (CAD) call report, BWV, incident and supplement reports, and use-of-force reports. OPA was unable to reach the Complainant for an interview.

According to the records OPA reviewed for this investigation, on March 2, 2025, an SPD officer responded to a disturbance at an intersection, where an unrelated fight erupted between the Complainant and another individual. NE#3 intervened to break up the fight, but the Complainant pushed NE#3 away. When NE#2 and NE#3 attempted to arrest the Complainant, he tried to flee but tripped and fell. The named employees descended upon the Complainant and restrained him against the ground. However, the Complainant rolled onto his back, actively resisted arrest, and squeezed NE#4's arm. In response, NE#3 deployed his Taser at the Complainant, enabling the named employees to handcuff him on his stomach. The Complainant later alleged that an officer had choked his face.

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 choking his face.

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.*

No evidence supports the Complainant's specific allegation that any officer choked his face. BWV did not capture any named employee applying force against the Complainant's neck or head. Recognizing that officers used some force to



restrain the Complainant, it was lawful and proper. Even if there were contact with the Complainant's face during the struggle, it would have been incidental and brief. BWV captured the named employees applying *de minimis* force¹ against the Complainant's upper chest, shoulders, arms, and legs to restrain him against the ground. These trained control holds were lawful and proper to facilitate handcuffing while the Complainant remained escalated and noncompliant.

Moreover, OPA finds that NE#3's Taser deployment was objectively reasonable, necessary, and proportional. As the named employees consistently documented in their use-of-force reports, the Complainant resisted violently by thrashing, pulling his arms away, attempting to stand, and squeezing NE#4's triceps, resulting in bruising. Despite this active resistance, the named employees refrained from striking, punching, or kicking the Complainant. Instead, NE#3 deployed his Taser, which immediately resulted in compliance and facilitated handcuffing. Overall, the named employees' use of force, including NE#3's Taser deployment, was lawful and proper under the circumstances.

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 #3 – Allegation #2

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity

OPA alleged that NE#3 failed to timely activate his BWV to record police activity.

When safe and practical, sworn employees will record police activity, even if the event is out of view of the camera. SPD Policy 16.090-POL-2(2). Police activity includes, among other things, dispatched calls, starting before the employee arrives on the call to ensure adequate time to turn on cameras. *Id.*

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.



NE#3 activated his BWV late—after the struggle with the Complainant concluded. OPA’s review of the UMS submission showed that NE#3 acknowledged the late activation and his Acting Sergeant debriefed this with him. Accordingly, OPA is issuing a training referral for NE#3’s chain of command to review these findings with him, remind him of SPD policy, and conduct any other training or counseling it deems appropriate.

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

- **Required Training:** NE#3’s chain of command should discuss OPA’s findings with him, review SPD Policy 16.090-POL-2(2) with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral (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)**