



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 2, 2025

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

CASE NUMBER: 2025OPA-0111

### **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)
# 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 - 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)
# 2	8.300 – Use of Force Tools, 8.300-POL-11 40mm Less Lethal (LL) Launcher, 14. A 40mm LL Will Not Be Used in Certain Circumstances, Unless Deadly Force is 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:**

Community Member #1 (CM#1) accessed the secured parking lot of the Southwest Precinct while armed with a knife. SPD officers, including the named employees (NE#1 and NE#2), responded to the scene. NE#2 deployed one 40mm less lethal (LL) round at CM#1. Immediately thereafter, NE#1 discharged his firearm four times at CM#1 resulting in CM#1's death. OPA investigated whether the named employees applied unauthorized force, NE#1 failed to de-escalate before firing his gun, and NE#2 deployed a 40mm round under unauthorized circumstances.

### **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 July 28, 2025, OIG certified OPA's investigation as thorough, timely, and objective.



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**SUMMARY OF INVESTIGATION:**

OPA's investigation included reviewing the computer-aided dispatch call report, body-worn video, incident and supplement reports, and Force Investigation Team records. Based on this evidence, OPA finds that the following events occurred.

CM#1's wife called 911, reporting that CM#1 had parked his vehicle at The Home Depot and sent her a suicidal text. CM#1 climbed over a fence separating The Home Depot from the secured parking lot of the Southwest Precinct, which was restricted to SPD personnel. SPD officers contacted CM#1 and began escorting him toward the exit while keeping their distance. CM#1 initially appeared compliant, as he proceeded toward the gate. However, CM#1 turned to face the officers and wielded a knife in his right hand.



*CM#1 (in green) held a knife in his right hand, as shown by the red arrow.*

CM#1 approached the officers as they retreated while ordering CM#1 to drop the knife. One officer drew his Taser, while NE#2 was armed with a 40mm LL launcher. The officers continually retreated as CM#1 approached them. CM#1 appeared unresponsive to the officers' attempts at communicating with him. NE#2 aimed his 40mm LL launcher at CM#1 as a sergeant commanded, "Give him the 40."



*NE#2 is on the left. The sergeant is on the right.*

CM#1 began sprinting toward NE#1.



*NE#1 was positioned behind the patrol vehicle shown above.*

NE#2 shouted, "40, 40 40!" NE#2 then deployed a 40mm round at CM#1, who lowered his head.<sup>1</sup> Immediately thereafter, NE#1 fired four shots at CM#1—three of which struck CM#1.<sup>2</sup>

<sup>1</sup> The King County medical examiner did not find any injury on CM#1's body resulting from the 40mm deployment.

<sup>2</sup> The King County medical examiner located three gunshot wounds on CM#1's body.



*NE#1, on the right, is firing his gun at CM#1.*

CM#1 fell and went on his back. The officers approached, disarmed CM#1, and administered first aid. The Seattle Fire Department arrived, took charge of administering first aid, and pronounced CM#1 deceased at the scene.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 – Allegation #1**

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

OPA alleged that NE#1 applied unauthorized force by firing his gun at CM#1.

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's use of lethal force was objectively reasonable, necessary, and proportional under the circumstances. CM#1's noncompliance and unresponsiveness to the officers indicated a significant threat as he persistently advanced toward them while wielding a knife. NE#1 and the other officers faced a serious risk of bodily harm when CM#1 began sprinting toward them without provocation. At that moment, NE#1 had only seconds to react. Other alternatives aside from lethal force were impractical, considering CM#1 was several meters away from NE#1 and continuing to close the



distance. NE#1's use of lethal force was proportional since it reflected the nature and immediacy of the threat he faced. Overall, a preponderance of the evidence showed that NE#1's use of lethal force 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 #1 – 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***

OPA alleged that NE#1 failed to de-escalate before firing his gun.

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 purposed for voluntary compliance through communication, time, distance, and shielding. *Id.*

SPD's overall response to the incident reflected de-escalation. Initially, officers attempted to escort CM#1 from the secured area while maintaining a safe distance. When CM#1 disobeyed and drew a knife, the officers retreated, attempted to communicate with CM#1, and used their patrol vehicles as shields. Nevertheless, CM#1 persistently advanced, forcing the officers to retreat further. The officers, including NE#1, continually maintained their distance from CM#1 until CM#1 abruptly closed that distance by sprinting toward NE#1 without provocation. At that moment, NE#1 had exhausted all safe and feasible de-escalation efforts and was therefore authorized to stop the threat that CM#1 posed to NE#1 and the other officers. Overall, a preponderance of the evidence showed the officers, including NE#1, complied with the de-escalation policy.

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***

OPA alleged that NE#2 applied unauthorized force by firing a 40mm round at CM#1.

A sergeant authorized NE#2 to deploy a 40mm round at CM#1. Moreover, the factors articulated in Named Employee #1 – Allegation #1 were present at the time NE#2 deployed the 40mm round, which occurred immediately after CM#1 began sprinting toward NE#1. If NE#1's lethal use of force—the highest level of force—was lawful and proper under the circumstances, then NE#2's deployment of a 40mm round—a lesser level of force—was also lawful and proper under the substantially similar 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 #2**

***8.300 – Use of Force Tools, 8.300-POL-11 40mm Less Lethal (LL) Launcher, 14. A 40mm LL Will Not Be Used in Certain Circumstances, Unless Deadly Force is Authorized***

OPA alleged that NE#2 deployed a 40mm round under unauthorized circumstances.

A 40mm LL launcher will not be used in certain circumstances unless deadly force is authorized. SPD Policy 8.300-POL-11(14).

As noted in Named Employee #1 – Allegation #1, OPA found that deadly force was authorized. As noted in Named Employee #2 – Allegation #1, OPA found NE#2's deployment of a 40mm round to be lawful and proper. Thus, OPA finds that NE#2 did not deploy a 40mm round under unauthorized circumstances.

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

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