


Issued Date: October 7, 2025

From: Interim Deputy Director Nelson Leese (on behalf of Interim Director Bonnie Glenn)
Office of Police Accountability 

Case Number: 2025OPA-0139

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1: 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

Finding: Not Sustained - Training Referral

2. **Allegation #2: 8.200** – Using Force, 8.200-POL-1. Using Force: When Authorized

Finding: Not Sustained - Lawful and Proper

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

SPD officers, including Named Employee #1 (NE#1), located Community Member #1 (CM#1), who had reportedly threatened a person with a firearm. NE#1 deployed his Taser at CM#1 as CM#1 began to kneel. OPA investigated whether NE#1 failed to de-escalate and used unauthorized force.

Administrative Note:

On August 22, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA's investigation included reviewing the OPA complaint, body-worn video (BWV), in-car video, incident report, Taser log, use-of-force report, and interview statements from NE#1.

A. OPA Complaint

On April 17, 2025, the Complainant, an SPD lieutenant, submitted an OPA complaint via Blue Team, describing the following incident. When officers located CM#1, who had reportedly threatened another person with a firearm, NE#1 ordered CM#1 to lie completely on the ground. CM#1 then stood and shouted that he was already on the ground. NE#1 drew his Taser and again ordered CM#1 to get on the ground. As CM#1 began to kneel, NE#1 deployed his Taser. The Complainant believed CM#1 was attempting to comply with NE#1's order at the time NE#1 Tased CM#1.

B. Incident Report and Body-Worn Video (BWV)

According to the incident report, on April 2, 2025, SPD officers responded to multiple 911 calls regarding a male who had threatened another person with a firearm and was seen walking around with it. The incident report stated that the officers identified CM#1 as the suspect based on the consistent descriptions provided by the callers.

BWV¹ captured two officers aiming their firearms at CM#1, who was kneeling on a sidewalk with his hands raised. An officer ordered CM#1 to lie on his stomach, but CM#1 remained in his position. NE#1 approached with his rifle aimed at CM#1.

¹ The images in the following pages were taken from NE#1's BWV.



NE#1 shouted, "Get on the ground now!" CM#1 replied, "I am on the ground!" NE#1 shouted, "All the way on your stomach!" CM#1 promptly stood, spread his arms wide, and shouted, "I am on the ground! What the fuck?"



An officer asked NE#1, “Hey, [NE#1]. You got your Taser?” CM#1 took about three steps toward NE#1 and again shouted, “I am on the ground!” NE#1 lowered his rifle, drew his Taser, aimed it at CM#1, took several steps toward CM#1, and shouted, “Get on the ground now!” NE#1 deployed the first Taser probe as CM#1 began to kneel.



NE#1 deployed a second probe about 0.580 seconds after his first probe deployment, at which point CM#1 was kneeling on his left knee with his hands raised and his left side facing NE#1.



NE#1 deployed a third probe about 0.564 seconds after his second probe deployment.



Immediately afterwards, NE#1's Taser beeped, indicating the Taser achieved a good connection. CM#1's body immediately tensed, straightened, and he fell over onto his left side. CM#1 rolled onto his back and groaned. Two officers approached and handcuffed CM#1.

A. Use-of-Force Report and OPA Interview

On August 18, 2025, OPA interviewed NE#1, whose statements were consistent with his type II² use-of-force report. NE#1 wrote in his report that there were many people on foot and in vehicles in the area. NE#1 knew from experience that this area always had high pedestrian traffic, attributed to the residential neighborhood, local businesses, and the Sound Transit link. NE#1 noted that the area was dark but illuminated by streetlights. NE#1 also noted that CM#1 was located near a bus stop and a bench.

² Type II is force that causes, or is reasonably expected to cause, physical injury requiring medical treatment greater than basic first aid. SPD Policy 8.050. Use of any less-lethal tool—such as a Taser—directed at and makes contact with a person is defined as a Type II use of force. See SPD Policy 8.400.

NE#1 described knowing from experience that if a suspect decided to access a gun while kneeling and facing the officers, the suspect would be able to retrieve it and fire before NE#1 could react. NE#1 also documented the following threat assessment:

At this time, the suspect had not been searched, and it had been reported that the suspect was armed and had been pointing a firearm at people. The suspect's refusal to follow verbal commands, refusal to get fully onto the ground, his aggressive jumping to his feet and advancing towards me, and loud, aggressive, and uncooperative words placed me in fear of myself or other officers being assaulted, possibly with a firearm. Also, due to the large number of pedestrians, I believed the suspect was a threat to pedestrian and vehicular traffic in the area.

NE#1 also observed that CM#1 wore clothing that could have easily concealed a firearm. NE#1 believed a Taser warning was unfeasible, citing CM#1's "rapid, aggressive jumping to his feet and movement in [NE#1's] direction." NE#1 also explained why further de-escalation was unfeasible as follows:

I did not feel that attempting to slow down the situation would be safe at the time. The suspect was on a heavily trafficked sidewalk, at a bus stop on a roadway that received a high amount of pedestrian and vehicular traffic, there was an open business in the building behind him, and based on where officers were forced to stop in the roadway, they were not able to increase their distance to the suspect, thus decreasing reaction time. All of these factors necessitated that the suspect be quickly and safely detained rapidly.

NE#1 wrote that the officers were in a tactically disadvantageous position due to the location where they were forced to stop their patrol vehicles. NE#1 wrote that increasing distance was unfeasible due to the roadway. NE#1 wrote that although the patrol vehicles offered cover, he needed to move away from that cover to effectively acquire his target before deploying a less lethal tool like the Taser. NE#1 wrote that because he routinely worked with the other officers present, he knew they all sought to arrest CM#1 as quickly and safely as possible.

NE#1 later recognized that CM#1 began to kneel at the time he was Tased. However, NE#1 noted that he had already decided to deploy his Taser before CM#1 began to kneel. Specifically, NE#1 told OPA that he decided to deploy his Taser when CM#1 stood from kneeling and began advancing toward the officers. NE#1 explained to OPA, "During the Tasing, as I was Tasing him, it looked like at the time, I didn't realize he was getting down onto his knees or going

towards his knees." NE#1 wrote that he only deployed a third probe when the two previously deployed probes appeared ineffective.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

NE#1 allegedly failed to de-escalate before deploying his Taser at CM#1.

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.*

OPA finds, by a preponderance of the evidence, that NE#1 de-escalated until it became unfeasible. NE#1 and two officers sought to acquire voluntary compliance by repeatedly ordering CM#1 to lie on his stomach. While armed with a rifle, NE#1 maintained his distance from CM#1 and used a patrol vehicle for shielding. NE#1 attempted to use additional time and communication to acquire voluntary compliance by repeating clear orders. However, utilizing time became impractical once CM#1 suddenly stood, shouted at the officers, and advanced toward them. At this point, CM#1 was confrontational, repeatedly defiant, and posed a danger to the officers, as multiple individual 911 callers reported an individual closely matching CM#1's description³ was armed with a firearm, which CM#1 could potentially produce at any moment. CM#1 also posed a danger to the public, particularly as traffic continued to drive by and the Sound Transit link arrived and stopped to NE#1's left during their encounter, increasing the likelihood of pedestrian traffic. Given these circumstances and the need to quickly apprehend CM#1 to ensure public safety, OPA finds additional de-escalation efforts were no longer safe, feasible, and in line with law enforcement priorities.

Despite this, OPA also recognizes two issues with communication and shielding that potentially could have led to successful de-escalation in this incident. First, on arrival, NE#1 violated the "one voice" principle by shouting his own orders to CM#1 to get on the ground. These additional orders, from a newly arrived officer, appeared to agitate CM#1 and were not fully in line with policy. See SPD Policy 8.100-POL-1 ("When multiple sworn employees are on scene, one sworn employee will be designated to take the lead on communications to avoid competing or confusing commands."). Second, NE#1 left the cover of his PIU to deploy his taser. Although NE#1 described needing to do so in order to deploy his taser, leaving shielding may have also deprived NE#1 of time to evaluate whether CM#1 would comply with his continued commands to get on the ground.

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

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 8.100 with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented in Blue Team.

³ The description that was provided was for a Hispanic male, in his 20-30s, 5'5", thin, blue shirt, gray pants, with tattoos on his neck/face. CM#1 was stopped about .3 miles away from the incident location and about 11 minutes after he allegedly pointed a gun at another person.

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

Named Employee #1 – Allegation #2

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

NE#1 allegedly used unauthorized force by Tasing CM#1 when he began to kneel.

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-POL-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.*

OPA finds, by a preponderance of the evidence, that NE#1 used objectively reasonable, necessary, and proportional force by Tasing CM#1. After officers had exhausted all safe and feasible de-escalation efforts, NE#1's use of force was objectively reasonable due to the strong government interest in swiftly apprehending CM#1. CM#1 posed an immediate threat of harm to the officers and was dangerous to the community, as multiple 911 callers reported seeing him brandish a firearm recently and nearby. CM#1 was found in an area NE#1 described as known for its high pedestrian and vehicle traffic. Although pedestrians were not immediately visible in BWV at that time during the night, BWV showed the Sound Transit link stopping near the patrol vehicles when NE#1 engaged CM#1, raising concerns about impending pedestrian traffic. BWV also showed some vehicular traffic. Thus, SPD had a strong interest in preventing CM#1's escape to ensure public safety. When officers located CM#1, he initially appeared compliant by kneeling with his hands raised. However, CM#1 escalated the situation when he disobeyed the officers' repeated commands to lie on his stomach and then abruptly stood, shouted, and advanced toward the officers, demonstrating a refusal to comply with further commands while exhibiting aggression. This was especially concerning as CM#1 demonstrated the present and apparent ability, opportunity, and intent to aggressively disobey police orders, even when held at gunpoint by multiple officers.

Moreover, NE#1's use of force was necessary. There was no reasonably effective alternative to using force due to CM#1's confrontational disposition and noncompliance. Also, the type and amount of force used was reasonable and proportional under the totality of the circumstances. CM#1 was believed to be armed with a firearm, accused of using that firearm to threaten another person, and could potentially draw it at any moment, rendering hands-on tactics unfeasible. Immediately before he was Tased, CM#1 turned to his right, slightly away from NE#1 and towards other

officer on scene. Under the totality of these circumstances, NE#1 used proportional force by deploying his Taser—a less-lethal tool—to incapacitate CM#1 to effectuate a safe arrest. NE#1's prompt decision to deploy his Taser also reflected his training and experience as a hostage negotiator and his assessment of CM#1's threat level and noncompliance. Overall, OPA finds that NE#1's Taser deployment was lawful and proper under the circumstances.

Finally, OPA addresses the fact NE#1 deployed his Taser as CM#1 began to kneel. Specifically, OPA examined NE#1 deploying his second and third Taser probes at CM#1 while CM#1 was kneeling on his left knee with his hands raised. NE#1 explained, "I didn't realize he was getting down onto his knees or going towards his knees" during the Tasing. This explanation is credible when considering NE#1's decision-making process and analyzing the speed at which NE#1 deployed the Taser probes. NE#1's first Taser probe deployment occurred while CM#1 was standing and turning away from NE#1 and towards other officers. There was no indication that CM#1 would suddenly comply with commands. To the contrary, CM#1 had just demonstrated he could rapidly change disposition and behavior. NE#1's second and third Taser probe deployments were spaced about half a second apart. Although one could argue that NE#1 should have ceased deploying subsequent probes after the first one, it was simply unrealistic for him to do so, especially since he had already decided to deploy his Taser when CM#1 began approaching the officers. NE#1 would have had to mentally process, within roughly 1.144 seconds—the total time NE#1 took to deploy three Taser probes—that CM#1 was starting to comply with commands. Also, CM#1 previously demonstrated a clear intent to defy officer commands and respond suddenly and aggressively, even after beginning to comply and held at gunpoint. BWV showed NE#1 making "split-second decisions" under "tense, uncertain, dynamic, and rapidly evolving circumstances," see SPD Policy 8.200-POL-1, rapidly deploying two additional Taser probes within a 1.144-second window. CM#1's unexpected decision to kneel during those deployments did not render NE#1's Taser deployment excessive.

Accordingly, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained – Lawful and Proper**