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

Case Number: 2025OPA-0224

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 - Unfounded

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:

Named Employee #1 (NE#1)—then an SPD sergeant—ran toward two officers who were arresting Community Member #1 (CM#1) on the ground. As he neared the arrest scene, NE#1 pushed the Complainant away. The Complainant alleged that NE#1 failed to de-escalate and used unauthorized force by pushing her twice, resulting in her fall and subsequent injury.

Administrative Note:

On October 27, 2025, the Office of Inspector General (OIG) certified OPA's investigation as thorough and timely but declined to certify it as objective. OIG raised concerns regarding what it perceived as OPA "challenging the Complainant's recollection of the incident" by referencing body-worn video (BWV) observations and "press[ing] the Complainant to provide a reason for the difference." OIG opined, "The adversarial nature of the interview with the Complainant, which led to the Complainant having to defend her account of the story, is not objective." However, OPA respectfully disagrees with OIG's characterization of OPA's questioning and the conclusion that this rendered the entire investigation unobjective. Referencing BWV observations and clarifying anomalies between witness recollections and objective evidence during an interview is both

appropriate and required. The process affords the Complainant an opportunity to clarify her account and for fact finders to weigh the credibility of her recollections. OPA recognizes that its investigator's approach in this interview was somewhat inartful, and the Complainant and her case manager appeared frustrated by some of his questions. But several of the Complainant's recollections were at odds with the BWV recording and required clarification. OPA respectfully disagrees that the investigator's attempts to do so rendered this investigation unobjective.

Summary of the Investigation:

OPA investigated this incident by reviewing the OPA complaint, computer-aided dispatch call report, BWV, incident and use-of-force reports, medical records, and interview statements from the Complainant and NE#1.

A. OPA Complaint and Complainant Interview

On June 9, 2025, the Complainant submitted an OPA complaint. She reported witnessing two SPD officers chasing CM#1 and subsequently kneeling on his kneck, prompting her to quickly approach them to demand that they remove their knee from him. She wrote that NE#1, in response, pushed her off the sidewalk and into the street, and when she attempted to stand, he pushed her down again, hovered over her, and shouted at her while she was on the ground.

On June 27, 2025, OPA interviewed the Complainant. She said NE#1 instructed her to stop approaching, but he suddenly approached her and pushed her down. When OPA noted discrepancies in BWV, she clarified that she was running toward NE#1's direction but not directly at him; nevertheless, he still pushed her down. She said NE#1 pushed her down again as she was beginning to rise. When OPA again noted discrepancies in BWV, she insisted that NE#1 pushed her down again, resulting in her fall. She denied interfering with CM#1's arrest. She said she visited a hospital the following day due to injuries sustained to her hip and arm. She elaborated that regardless of any discrepancies between her account and BWV observations, her account was based on her perceptions of the event, which she described as having a "lot of commotion."

B. Incident Report and Body-Worn Video

According to the incident report, on June 4, 2025, SPD officers developed probable cause to arrest CM#1 for a narcotics transaction they had observed.

BWV captured the following:

CM#1 fled from two officers who chased him. The officers quickly caught up, took CM#1 to the ground, and handcuffed him while he was lying on his stomach. The officers maintained CM#1 in this position.

NE#1 ran toward the arrest scene on a sidewalk. As NE#1 passed by the Complainant, who was also heading toward the arrest scene, he commanded, "Move out of the way," to which she replied, "No, I'm out of the way." NE#1 was several feet away from the officers who were restraining CM#1 when CM#1 stated, "Get off my neck, bro." Shortly after, the Complainant, while continually approaching, shouted, "Get off his neck!"² NE#1 bent down and retrieved a phone lying on the ground near CM#1, with his back facing the Complainant. Once NE#1 straightened up, he turned around to find the Complainant directly behind him and continually approaching the arrest scene.



The image above was taken from NE#1's BWV. This image shows the Complainant's proximity to NE#1 the moment he turned toward her after retrieving the phone.

Using both hands, NE#1 pushed the Complainant's right shoulder area.



This image shows NE#1 using both hands to push the Complainant away.

The Complainant fell, seemingly bracing herself with her arms. NE#1 commanded, “Back up” twice and pointed away. As the Complainant regained her footing, NE#1 remarked, “I told you not to,” then grabbed her left arm and pushed it forward, propelling her away from NE#1.



This image shows NE#1 grabbing the Complainant’s left arm.

As NE#1 pushed the Complainant away, he remarked, “I told you not to go over here. Back up.” The Complainant demanded NE#1’s badge number. NE#1 turned around and began approaching the arrest scene. NE#1 turned around again, pointed at the Complainant, and commanded, “Stay back.” NE#1 then redirected his attention toward the arrest scene, bent down, and retrieved a firearm magazine lying on the ground near CM#1. Once NE#1 straightened up, he commanded, “Stay back.” The Complainant complied by remaining in the area where she had been pushed.

The two officers escorted CM#1 to a patrol vehicle. Meanwhile, a group of community members gathered in support of CM#1, voicing outrage toward NE#1 for pushing the Complainant. NE#1 provided his badge number and repeatedly ordered the community members to maintain their distance or face arrest. NE#1 and another officer then transported CM#1 away from the scene.

A. OPA Interview

On September 17, 2025, OPA interviewed NE#1. He said he ran toward the two officers who handcuffed CM#1 to protect them. He said he saw from a distance a firearm magazine lying on the ground near the officers but was unsure about its ownership, which he found concerning. He said his priority was to provide security for the officers who were focused on CM#1. Drawing from his experience, he said this area was dangerous for executing arrests due to prior shooting incidents associated with the drug trade and the prevalence of armed subjects in this area. He expressed familiarity with people interfering with lawful arrests by either assaulting the arresting officers or trying to free the arrestees—situations he described as dangerous and unpredictable. He said officers execute arrests as a team due to these risk factors.

NE#1 said he used his hands to deflect the Complainant and believed she fell due to her small size and the momentum from running into him. He characterized his force as *de minimis*, nonreportable, objectively reasonable, necessary, and proportional. He denied observing any pain or injury and believed his force was unlikely to cause pain or injury. He also noted that the Complainant's action constituted assault and obstruction—offenses for which he could have arrested her, although he ultimately opted against it. He said he de-escalated by issuing a verbal warning to stay away and using a hand gesture to convey the same message, but de-escalation became unfeasible when she continued approaching the arrest scene. He insisted that the Complainant's defiance and ongoing approach toward the arrest scene was "putting everyone in danger."

OPA asked why NE#1 pushed the Complainant a second time after she regained her footing. He contested OPA's characterization of his action as a "push," asserting that he had "guided" her away. He said she was within his personal space when she stood, prompting him to use *de minimis* force for separation. He insisted that she was too near the arrest scene, while he had to protect the two officers during CM#1's arrest.

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

The Complainant alleged that NE#1 failed to de-escalate.

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, based on a preponderance of the evidence, that NE#1 de-escalated until it became unfeasible. NE#1 quickly approached two officers who had just arrested CM#1 on a sidewalk. These two officers were potentially in a vulnerable position since they were low to the ground and focused on restraining CM#1. A firearm magazine was lying on the ground beside CM#1, raising concerns about the potential involvement of firearms in this narcotics-related arrest. NE#1 also had valid concerns that the Complainant or others might interfere with the arrest by either assaulting the officers or attempting to free CM#1. As NE#1 passed by the Complainant, he instructed her to "move out of the way"—a command she disobeyed by continually approaching the arrest scene. NE#1

then found the Complainant directly behind him and continuing to approach after retrieving a phone from the ground. NE#1 was authorized to use force at this point due to the Complainant's noncompliance and proximity to the arrest scene, including the firearm magazine. Given these circumstances and the need to ensure the safety of the officers and the scene, OPA finds that further de-escalation efforts, including those that would increase time or distance, were no longer safe, feasible, and consistent with law enforcement priorities.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 used unauthorized force by pushing her twice, resulting in her fall and subsequent injury.

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 (effective September 1, 2024). 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 two pushes constituted *de minimis*³ and nonreportable force. They were lawful and proper under the circumstances. In addition to the safety concerns noted above, NE#1's force was objectively reasonable and necessary to prevent the Complainant from advancing into the arrest scene, especially since she had just willingly defied NE#1's command to stay away. NE#1's force was also proportional, reflecting his experience with narcotics-related arrests, his training in ensuring scene security, and his assessment of the situation, including valid concerns about a potential interference with CM#1's arrest. Notably, NE#1's force achieved his intended outcome—the Complainant ceased advancing.

Although NE#1's first push resulted in the Complainant's fall, NE#1 was justified in arresting her for obstruction at that point due to her noncompliance and proximity to the arrest scene. Although NE#1 pushed the Complainant a second time after she regained her footing, this push seemed intended to further guide her away from the arrest scene, as NE#1 explained. BWV showed NE#1 instructing the Complainant to "back up" while also grabbing her arm and pushing it away. The second push was not sufficiently forceful to suggest that he intended for her to fall again. Indeed, the Complainant did not fall a second time, contrary to her claim. Ultimately, NE#1's second push was *de minimis* and appeared intended to further guide her away.

Overall, a preponderance of the evidence showed NE#1 using objectively reasonable, necessary, and proportional *de minimis* force against the Complainant to achieve a law enforcement objective while protecting the two arresting officers.

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

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

Footnote 1. The OPA Director may designate a civilian OPA Deputy Director to "perform such duties and have such powers as the OPA Director may prescribe and delegate." Seattle Ordinance 125315, Council Bill 118969, subchapter I, section 3.29.100(B).

Footnote 2. NE#1's BWV showed two officers restraining CM#1 against the ground. Neither officer was physically contacting CM#1's neck at this point.

Footnote 3. *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 (effective September 1, 2024).