


Issued Date: January 1, 2026

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

Case Number: 2025OPA-0245

Allegations of Misconduct & Director's Findings

Named Employee #1

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

Finding: Not Sustained - Lawful and Proper

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

Finding: Not Sustained - Unfounded

Named Employee #2

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

Finding: Not Sustained - Lawful and Proper (Expedited)

2. **Allegation #2:** 6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

Finding: Not Sustained - Lawful and Proper

3. **Allegation #3:** 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

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:

The named employees (NE#1 and NE#2) responded to a nighttime protest in downtown Seattle. The Complainant alleged that NE#2 failed to de-escalate before using force, used unauthorized

force by taking down Community Member #1 (CM#1), and unlawfully arrested CM#1 and Community Member #2 (CM#2) for shouting at officers. Moreover, the Complainant alleged that NE#1 failed to de-escalate before using force and used unauthorized force by spraying oleoresin capsicum (OC) at Community Member #3's (CM#3) face.

Administrative Note:

The force allegation against NE#2 was approved for expedited investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing NE#2 regarding this allegation. On July 25, 2025, OIG certified OPA's expedited investigation as thorough, timely, and objective.

The remaining allegations underwent a full investigation. An additional allegation against NE#2 was identified concerning whether he failed to issue Miranda warnings to CM#1 and CM#2. Although it was determined another officer provided Miranda warnings in a timely fashion, OPA processed this allegation as a supervisor action because NE#2 could have feasibly provided the warnings sooner himself.²

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

Summary of the Investigation:

A. OPA Complaint

On June 18, 2025, the Complainant submitted an OPA complaint alleging the following. On June 14, 2025, CM#1 and CM#2 participated in a protest and approached a line of SPD officers. CM#1 shouted at the officers and raised his hand for emphasis but did not threaten them. CM#2 neither shouted nor gestured. Yet, the officers arrested CM#1 and CM#2, prompting several protesters to demand their release. In response, the officers formed a line, advanced toward the protesters, and ordered them to "move back." The protesters complied, yet an officer still sprayed OC at CM#3.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), privately recorded video, incident, supplement, and use-of-force reports, and interview statements from the named employees.

B. Computer-Aided Dispatch Call Report and Incident Report

On June 14, 2025, at 9:12 PM, CAD call remarks noted, "[KING COUNTY SHERIFF'S OFFICE] ADV[ISED] THAT 60 SUBJ[ECT]S BLOCKING [SOUTHBOUND] LANE, SPRAYING GRAFFITI ON THE STREET."

CAD updates indicated that the protesters were blocking streets, misdirecting traffic, and causing property damage like setting fires. According to the incident report, a task force was mobilized in response to the protest.

C. Body-Worn Video

BWV captured the following:

NE#2 and other officers were positioned on a crosswalk at an intersection. The sound of breaking glass was audible. BWV showed at least one bottle breaking on the street in front of the line of police officers. CM#1 and CM#2 began approaching the officers as NE#2 shouted, "Back up!" CM#1 disregarded this command and stated, "I don't give a fuck about you guys." CM#1 tauntingly asked the officers who they worked for, told them to "shut the fuck up," and referred to them as "pussies," "bitch," and "slaves." NE#2 cautioned, "I'm warning you right now. You touch me, you're going to the ground." CM#1 took a step toward NE#2, spread his arms wide with his right hand gripping a glass bottle, and retorted, "No one even talked about touching you, bitch!"



The image above was taken from NE#2's BWV. The green circle indicates CM#1. CM#2 stood to CM#1's right.

NE#2 warned, "Get out of my face." CM#1 lowered his arms to his sides and quickly retorted, "You want someone to touch you, bitch." NE#2 continuously warned, "Get out of my face." CM#1 spread his arms wide again and shouted, "What you gonna do, [NE#2], nigga? The fuck you gonna do, [NE#2]?" CM#1 lowered his arms to his sides and shouted, "Fuck you! Fuck you, bro!" CM#1 pointed his left finger at NE#2 and shouted, "Don't you fucking instigate me, you bitch!"



The image above was taken from NE#2's BWV. The green circle indicates the Complainant.

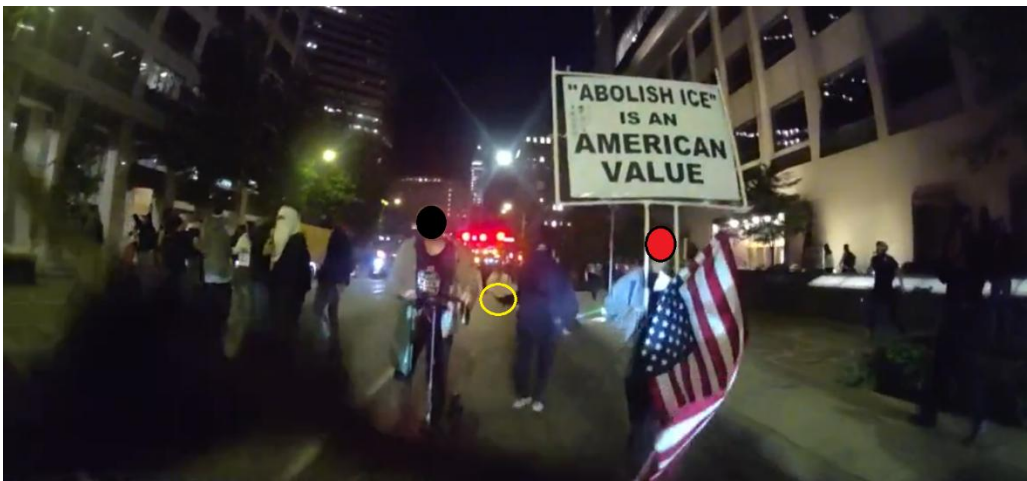
NE#2 repeated, "Get out of my face." CM#1 took another step toward NE#2, raised his left hand above his head, and shouted, "You're a public servant, bitch!"



The above image was taken from NE#2's BWV.

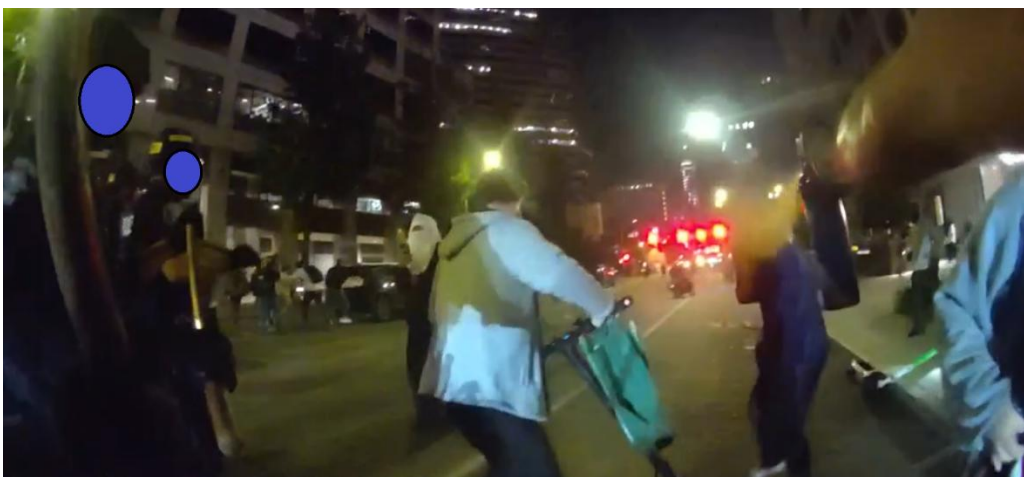
As CM#1 lowered his left hand, an officer to NE#2's right pushed CM#1 away using his baton. The officers lowered CM#1 to the ground onto his stomach. The sound of glass bottles clinking in CM#1's backpack was audible as the officers handcuffed CM#1. The officers also detained CM#2. NE#1 and the officers escorted CM#1 and CM#2 away.³

After apprehending CM#1 and CM#2, NE#1 and other officers formed a line in front of NE#2 and the other arresting officers. Protesters approached the police line and demanded CM#1's and CM#2's release. Using a megaphone, the Complainant announced, "The person you arrested did not touch the officer. He didn't do anything." CM#3, dressed in black, stood to the Complainant's right. NE#1 and the officers shouted, "Move back" and began advancing toward the protesters, prompting the protesters to retreat. CM#3 reached into their pocket and drew a collapsible baton.



The image above was taken from NE#1's BWV. The yellow circle indicates the collapsible baton that CM#3 wielded.

NE#1 sprayed OC at CM#3.



The image above was taken from NE#1's BWV.

CM#3 shouted, "Fucking bastard" and ran away. NE#1 pointed at CM#3 and shouted, "He's got a baton! He's got a baton!" The officers then halted their advance.

Later, CM#1 and CM#2 were placed in the back of a police wagon. A wall within the police wagon separated CM#1 and CM#2. A sergeant (Sergeant #1) opened the door where CM#2 was situated, Mirandized CM#2, and explained that CM#2 was being arrested for throwing glass bottles at the officers. Sergeant #1 then closed CM#2's door. From his own door, CM#1 asked, "Assault?" Sergeant #1 responded to CM#1 through the door, clarifying that he was being arrested for misdemeanor harassment, not assault. Sergeant #1 then walked away.

D. OPA Interviews

On October 11, 2025, OPA interviewed NE#1. NE#1 said he and the officers were instructed to reposition the police line due to the protesters encroaching upon the arresting officers. NE#1 said he saw CM#3 about five feet away brandishing a baton and assuming a “fighting stance.” NE#1 believed CM#3 intended to strike him with the baton and posed a threat to nearby officers. NE#1 said the purpose of announcing, “He’s got a baton” was to alert nearby officers of the potential threat. NE#1 said de-escalation was unfeasible as he was directly confronted with the threat, leaving him no opportunity to caution CM#3. NE#1 said he sprayed OC at CM#3 once and characterized his force as less lethal and effective. NE#1 denied spraying OC at anyone else.

On November 18, 2025, OPA interviewed NE#2. NE#2 believed CM#1 and CM#2 threw glass bottles toward the officers before approaching them. NE#2 felt CM#1 might have attempted to assault him with the glass bottle. NE#2 said he attempted de-escalation by instructing CM#1 to step back, but CM#1 invaded his personal space and pointed a finger at his face. NE#2 said he felt threatened and intimidated. NE#2 thought CM#1 was going to swing at him or the officers because CM#1 “kept cocking the beer bottle back.” NE#2 said he brought CM#1 to the ground to execute an arrest. NE#2 said he was unable to recall whether CM#1 was Mirandized following his arrest but acknowledged that he was responsible for providing *Miranda* advisements.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 used unauthorized force by spraying OC at CM#3’s 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-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.*

OPA finds NE#1's use of force objectively reasonable, necessary, and proportional under the circumstances. Although CM#3 appeared to be complying with police commands to "move back," CM#3 then brandished a collapsible baton in a manner that suggested an intent to use it against the officers. Thus, NE#1's OC spray was objectively reasonable and necessary to counter this threat and protect himself and nearby officers. Moreover, NE#1's OC spray was proportional. He did not spray it indiscriminately; rather, he specifically targeted CM#3. The spray was brief and effective, inducing CM#3 to promptly retreat. After achieving his desired result, NE#1 modulated his force and refrained from spraying anyone else. Overall, a preponderance of the evidence showed NE#1 using lawful and proper force against CM#3.

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

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

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

The Complainant alleged that NE#1 failed to de-escalate before spraying OC at CM#3.

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 further de-escalation unfeasible under the circumstances. NE#1 and the officers continually advanced toward the protesters and ordered them to "move back." Although CM#3 appeared to be complying with police commands to move back, CM#3 brandished a collapsible baton while continuing to face officers and appeared as though they intended to use the baton against the officers. CM#3 stood only several feet away from the officers, appeared to assume a fighting stance, and had the opportunity to charge at the officers at any moment. Given CM#3's apparent fighting stance while wielding a weapon that was clearly visible to NE#1, further de-escalation was unfeasible.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #1

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

The Complainant alleged that NE#2 used unauthorized force by taking down CM#1.

NE#2's takedown constituted *de minimis*, nonreportable force.⁴ It was lawful and proper under the circumstances. CM#1 was highly agitated, gripped a glass bottle, and continuously advanced toward NE#2 despite repeated orders to step away. Given CM#1's confrontational disposition, possession of a potential weapon (glass bottle), and refusal to comply with lawful police commands, NE#2 and the officer to his right performed a controlled takedown to facilitate CM#1's arrest. CM#1 neither expressed any pain nor did he sustain any injuries from the takedown.

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

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#2 unlawfully arrested CM#1 and CM#2 for shouting at the officers.

Sworn employees must have probable cause that a subject committed a crime before executing an arrest. SPD Policy 6.010-POL-1. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within a sworn employee's knowledge sufficiently support a reasonable belief that an offense has been or is being committed. See *State v. Fricks*, 91 Wash.2d 391, 588 P.2d 1328 (1979); *State v. Gluck*, 83 Wash.2d 424, 426–27, 518 P.2d 703 (1974).

NE#2 had probable cause to arrest CM#1 for intimidating a public servant under RCW 9A.76.180. BWV captured CM#1 continuously invading NE#2's personal space while spreading his arms wide with his right hand gripping a glass bottle. CM#1 repeatedly swore at NE#2 and even pointed a finger directly at NE#2's face. At one point, CM#1 raised his arm above his head while standing directly in front of CM#1. The totality of CM#1's actions indicated an impending assault and appeared intended to provoke a reaction from NE#2. This is especially true as BWV corroborated the fact that glass bottles had been thrown in front of police officers and, shortly thereafter, CM#1 continuously held a glass bottle in his hand while swearing and yelling at NE#2 and stepping into NE#2's personal space. Thus, CM#1's threatening gestures constituted probable cause for intimidating a public servant.

Although CM#2's actions were not as overtly aggressive, there was also probable cause to arrest him for, at the very least, failing to obey lawful orders to back away and, instead, intentionally and physically approaching a police line. See SMC 12A.16.010 – Obstructing a public officer. This is especially true as officers documented observing both CM#1 and CM#2 as a part of a group of four total individuals, three of whom were throwing bottles at police officers. Officers also documented that, thereafter, CM#1 and CM#2 separated from the group and approached the police line together. After CM#1 was arrested, it was also discovered that he had multiple glass bottles in his backpack. More likely than not, there was also probable cause to arrest CM#2 for harassment, see RCW 9A.46.020, even if he was not charged with either crime.

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

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

Named Employee #2 – Allegation #3

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#2 failed to de-escalate before taking down CM#1.

OPA finds further de-escalation unfeasible under the circumstances. As CM#1 approached the police line, NE#2 shouted, "Back up!" However, CM#1 disregarded this order, closed the distance, and chose to confront the officers by swearing at them and making threatening gestures. NE#2 repeatedly cautioned CM#1 with, "Get out of my face," but CM#1 disregarded this command, continuously invaded NE#2's personal space, and acted aggressively toward NE#2. Given CM#1's confrontational disposition, possession of a potential weapon, and refusal to comply with lawful police commands, further de-escalation was unfeasible.

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

Recommended Finding: **Not Sustained – Unfounded**

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. A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).

Footnote 3. According to NE#2's incident report, CM#1 was charged with intimidating a public servant. "A person is guilty of intimidating a public servant if, by use of a threat, he or she attempts to influence a public servant's . . . opinion, decision, or other official action" as a public servant. RCW 9A.76.180(1). It does not appear CM#2 was formally charged with any crime.

Footnote 4. *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).