



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 22, 2025

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

CASE NUMBER: 2025OPA-0283

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)
# 2	8.200 - Using Force, 1. Use of Force: When Authorized	Not Sustained - Lawful and Proper (Expedited)
# 3	16.090-POL 1 Recording with ICV and BWV 5. Employees Recording Police Activity b. When Sworn Employees Record Activity ¹	Sustained - Rapid Adjudication

Imposed Discipline

Written Reprimand

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:

On July 15, 2025, Named Employee #1 (NE#1) responded to an assault and shoplifting call that resulted in a foot pursuit. The Complainant alleged that NE#1 used excessive force in "trying to kill" him by putting a knee on him until he could not breath. The Complainant believes this was due to him being a Black man. OPA alleged NE#1 delayed activating his body-worn video (BWV) for four minutes.

ADMINISTRATIVE NOTE:

OPA reviewed the Complainant's bias-based policing and excessive force allegations against NE#1 during an intake investigation. OPA processed these allegations as an 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 the named employee. As such, OPA did not interview the named employee in this case.

During its intake, OPA also identified that NE#1 delayed activating his BWV for four minutes. Despite the delayed activation, NE#1's BWV still captured the force application at issue. This allegation was classified for full investigation.

¹ OPA's classification notice erroneously listed this outdated policy number, 16.090-POL-1(5)(b), for this allegation. The current policy, which has been in effect since January 12, 2024, sets the requirements for when sworn employees record activity under SPD Policy 16.090-POL-2(2). The substantive requirements relevant to this allegation did not change. Also, the SPOG CBA only requires the classification to contain, at minimum the "title and section" of policy the employee allegedly violated. In both the current and former policy, the relevant title and section was Title 16, Section 090.

After OPA classified the allegation, NE#1 informed OPA he wished to resolve his case through Rapid Adjudication (RA). RA is provided for in the Seattle Police Officers' Guild's collective bargaining agreement (CBA) with the City. It allows for employees to recognize that their conduct was inconsistent with Department policies and standards, and to accept discipline for the policy violation rather than undergoing a full OPA investigation.

After reviewing the complaint and its intake investigation, OPA determined this case could be appropriate for resolution by RA. Consistent with the RA procedure, OPA sought input from OIG and the Chief of Police. OIG and the Chief of Police concurred the case was suitable for RA. The Chief of Police indicated he would issue discipline in the form of a Written Reprimand. NE#1 agreed to the discipline and, in doing so, per the SPOG CBA, stipulated that the finding and discipline were final and could not be appealed or otherwise later disputed.

SUMMARY OF INVESTIGATION:

On July 15, 2025, NE#1 responded to an assault call related to a shoplifting incident at a store. NE#1 met with store staff who advised they detained a suspect—the Complainant—and recovered their goods. Store staff indicated the Complainant also punched a staff member. While speaking to NE#1, store staff pointed out the Complainant to officers.

Witness Sergeant #1 (WS#1) attempted to detain the Complainant. The Complainant struck WS#1's hand away from him and fled on foot. NE#1 and WS#1 pursued the Complainant, eventually locating the Complainant hiding in a bush. NE#1 drew his firearm and ordered the Complainant out of the bush. The Complainant complied and lay down on the ground. As the Complainant was laying down, NE#1 approached and used his hands to push the Complainant's head and shoulder blade to the ground.

While NE#1 attempted to handcuff the Complainant, the Complainant resisted by rolling around, lifting his shoulder and hips, and pulling his arm away from NE#1. The Complainant did not comply with NE#1's orders to stop moving. The Complainant stated, "Please don't kill me." NE#1 responded, "No one's trying to kill you. Stop moving." The Complainant repeatedly yelled, "Help!" After other officers arrived, the Complainant was placed in handcuffs and moved into a seated position.

When screening his use of force with a sergeant, NE#1 stated he put his knee on the Complainant's back. NE#1 stated that, when the Complainant stated he could not breathe, NE#1 modulated his position to the best of his ability given the Complainant's resistance before a backing officer arrived. NE#1 then requested medics who attended to the Complainant on scene.

On scene, the Complainant told the screening sergeant that NE#1 was trying to kill him due to this race. OPA attempted to interview the Complainant but was unable to do so as the Complainant was incarcerated and not available for a phone interview. OPA sent the Complainant a business card and contact instructions but did not hear back from the Complainant while this case was undergoing intake.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias Based Policing

The Complainant alleged NE#1 tried to kill him because the Complainant is a Black man.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." SPD Policy 5.140-POL. This includes different treatment based on the subject's race and gender. *See id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140 POL-2.

OPA reviewed the documents and BWV related to this incident. BWV showed the Complainant slapping WS#1's hand away, engaging in a foot pursuit, and refusing to comply with officers. BWV showed that NE#1 only used de minimis force after briefly pulling out his service weapon. Putting a knee on the Complainant's back would have been reasonable and consistent with training as the officer was attempting to handcuff a resisting person and the video did not show any type of suffocation. BWV shows the officer mostly used his hand to push down on the Complainant's back rather than a knee. After other officers arrived and the Complainant was handcuffed, the Complainant was immediately rolled into a recovery position. This low level of force was objectively reasonable, necessary, and proportional under the circumstances and was appropriate to overcome the Complainant's level of resistance and effect a lawful arrest. OPA observed no evidence of bias against the Complainant due to his identity as a Black man.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited)

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

Named Employee #1 - Allegations #2

8.200 - Using Force, 1. Use of Force: When Authorized

The Complainant alleged NE#1 tried to kill him by putting a knee on him until the Complainant could not breath.

SPD Policy 8.200-POL-1 requires that force used by officers be “objectively reasonable, necessary, and proportional to the threat or urgency of the situation, to achieve a law enforcement objective while protecting the life and safety of all persons.” Whether force is objectively reasonable depends “on the totality of the circumstances” known to the officers at the time of the force and must be balanced against “the rights of the subject, considering the circumstances surrounding the event.” SPD Policy 8.050. Reasonableness must be judged from perspective of a reasonable officer at the scene, *id.*, and allow for the fact that officers are often forced to make “split-second decisions” in tense, dynamic circumstances. SPD Policy 8.200-POL-1. The policy also lists a number of factors that should be weighed when evaluating reasonableness. *See id.* Force is necessary where no reasonably effective alternative to the use of force appeared to exist and “the type and amount” of force used was reasonable and proportional to effect the lawful purpose intended or to protect against the threat. SPD Policy 8.050. Lastly, the force used must be proportional, reflecting the totality of the circumstances, including the nature and immediacy of any threats. *Id.*

For the reasons articulated at Allegation #1, OPA finds NE#1's use of force objectively reasonable, necessary, and proportional under the circumstances. Although NE#1 did apply some pressure to the Complainant's back—which could have affected the Complainant's breathing—NE#1's level of force was withing policy and training to overcome the Complainant's resistance. Moreover, OPA found no evidence NE#1 was “trying to kill” the Complainant. Instead, NE#1 modulated his force appropriately, put the Complainant into a recovery position as soon as it was safe to do so, and summoned medics to the scene.

For these reasons, OPA recommend this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (Expedited)**

Named Employee #1 - Allegations #3

16.090-POL 1 Recording with ICV and BWV 5. Employees Recording Police Activity b. When Sworn Employees Record Activity

SPD Policy 16.090 outlines the categories of police activity sworn employees are expected to record. When safe and feasible, sworn employees must record all dispatched calls, Terry stops, criminal activity, arrests, and seizures, among other things. *See* SPD Policy 16.090-POL-2(2). Sworn employees are required to record even if the event is out of view of the camera. *Id.*



NE#1 delayed activating his BWV for about four minutes and did not activate until he was already in a use-of-force situation with the Complainant. By agreeing to proceed with RA, NE#1 recognized that his actions violated the Department's BWV policy. OPA appreciates and commends NE#1 for taking accountability for this incident and for agreeing to RA.

OPA recommends this allegation be Sustained – Rapid Adjudication. This finding is final and binding.

Recommended Finding: **Sustained – Rapid Adjudication**