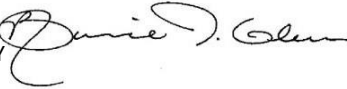




CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 30, 2024

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0286

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	8.100 – De-Escalation, 8.00-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics to Reduce the Need for Force (Effective April 24, 2023)	Not Sustained - Lawful and Proper

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:

Named Employee #1 (NE#1), an off-duty SPD officer, drove his personal truck while the Complainant and his fiancée, Community Member #1 (CM#1), operated electric scooters on the street. The Complainant threw his scooter at NE#1’s truck when NE#1 drove past him. NE#1 identified himself as an SPD officer and detained the Complainant while awaiting officers. The Complainant alleged that NE#1 drove aggressively, constituting unprofessionalism. The Complainant also alleged that NE#1 failed to de-escalate by grabbing his shirt to detain him.

ADMINISTRATIVE NOTE:

On December 6, 2024, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On July 5, 2024, the Complainant submitted an OPA complaint, describing an off-duty SPD officer (NE#1) driving a truck aggressively while he and CM#1 rode their electric scooters in downtown Seattle. Specifically, the Complainant wrote that he “(regrettably) pushed [his] scooter over” and struck NE#1’s tire as NE#1 “quickly and aggressively” passed him. He wrote that NE#1 stopped, exited, presented a badge, and grabbed his shirt.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report, and 911 call audio. OPA also interviewed the Complainant and NE#1.

On July 4, 2024, at 11:39 PM, CAD call remarks noted, “... SUSP[ECT] THREW A SCOOTER AT THE [OFFICER’S PRIVATELY-OWNED VEHICLE].” Dispatch noted that the reporting party (NE#1) was alone and armed with his off-



duty gun but did not draw it. At 11:40 PM, dispatch noted that NE#1 detained the suspect (the Complainant). At 11:43 PM, dispatch noted that NE#1 had no handcuffs, but the Complainant was cooperative. Dispatch then noted that the Complainant was arguing with NE#1. At 11:44 PM, dispatch noted that NE#1 identified himself as a police officer, and the Complainant was still arguing. The 911 call audio was consistent with dispatch notes.

Witness Officer #1 (WO#1) responded to the incident location with her BWV activated. It captured NE#1's vehicle parked on a street. The Complainant and CM#1 were on the sidewalk. WO#1 interviewed NE#1. NE#1 said he was driving in a lane when CM#1, operating a scooter, cut him off, so he honked at her. NE#1 said, "[The Complainant] is a little bit in front of [CM#1] and, as I'm rolling by, just shoves the scooter into the side of the truck." NE#1 said he heard and felt the contact. NE#1 said he braked, parked, and presented his badge to the Complainant, who was cooperative.

BWV captured WO#1 interviewing the Complainant and CM#1. He said he was "quite wrong here," admitting, "I definitely should not have thrown my fucking scooter down." He said the scooter's handlebar struck the truck's rim. CM#1 said she switched lanes, but NE#1 drove past her quickly, prompting her to yell at NE#1. CM#1 said the Complainant was being protective. The Complainant said, "I'm not gonna lie. Yeah, I was wrong – I was wrong for what I did." He did not believe he damaged NE#1's truck. He said he did not know what happened behind him but heard CM#1 yelling and NE#1 speeding.

BWV captured WO#1 reapproaching NE#1. NE#1 aimed a flashlight at the damage to his truck's running board and rear driver's side door. WO#1 reapproached the Complainant and CM#1. WO#1 provided him a business card and advised him to check his mail for a court document. WO#1 said she would document the incident since she saw "minimal" damage to NE#1's truck. WO#1 confirmed that NE#1 was an SPD officer but was unable to provide NE#1's name and badge number because he was off duty. WO#1 deactivated her BWV.

WO#1's incident report was consistent with BWV observations. WO#1 also noted that she had probable cause to arrest the Complainant for third-degree malicious mischief based on the damage to NE#1's truck and the Complainant's admission.

On July 11, 2024, OPA interviewed the Complainant. He said NE#1 was close to CM#1 when NE#1 drove past her, so he threw his scooter to the ground, intending to block the truck and confront NE#1. He said the truck traveled faster than he anticipated, around 30 to 35 MPH, causing him to strike the side of the truck instead. He said NE#1 stopped, exited, presented his badge, and identified himself as an SPD officer. He said NE#1 grabbed his shirt and told him he was detained. He believed NE#1's method of detainment was unreasonable since he did not intend to flee. He said he did not resist and sat on the curb when NE#1 released him.

On November 4, 2024, OPA interviewed NE#1. NE#1 recalled seeing CM#1 continually swerving while the Complainant was about 100 feet ahead of her. NE#1 denied driving aggressively or closely to the Complainant or CM#1. NE#1 said he was only close when he passed them. NE#1 said CM#1 swerved into his lane, prompting him to brake and honk. NE#1 said CM#1 returned to her lane and then shouted, "Fuck you, bitch" as he passed her. NE#1 said he told CM#1 to stay in her lane and then approached the Complainant, who stepped off his scooter and pushed it into the truck. NE#1 said he stopped, exited, and grabbed the Complainant's shirt to prevent him from fleeing after he struck a \$77,000 truck. NE#1 believed "there was nothing to de-escalate" and that grabbing the



Complainant's shirt constituted *de minimis* force at most.¹ While NE#1 acknowledged that he could have verbally detained the Complainant, NE#1 insisted that he was "not gonna let him get away." When OPA asked NE#1 whether he saw flight indicators from the Complainant, NE#1 replied, "I just didn't want to give him the chance." NE#1 denied using force and said he wanted everyone safely away from the street.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 drove aggressively, constituting unprofessionalism. SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* Employees will avoid unnecessary escalation of events, even if those events do not end in reportable uses of force. *Id.* Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward anyone. *Id.*

The evidence established that NE#1 and CM#1 were traveling in different lanes, but CM#1, based on her admission, veered into NE#1's lane, causing him to break and honk. The evidence further established that NE#1 drove past CM#1 and the Complainant, during which the Complainant threw his scooter at NE#1's truck. NE#1's driving could not be construed as aggressive under these facts. NE#1 tried to pass CM#1 and the Complainant, requiring him to accelerate. But NE#1's acceleration—which the Complainant estimated to be around 30 to 35 MPH—was neither excessive nor aggressive given the circumstances. While the Complainant alleged that NE#1 drove closely to CM#1, NE#1 denied such claim. Overall, OPA found insufficient evidence supporting the Complainant's allegation that NE#1 drove aggressively.

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

8.100 – De-Escalation, 8.00-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Officers Will Use De-Escalation Tactics to Reduce the Need for Force (Effective April 24, 2023)

The Complainant alleged that NE#1 failed to de-escalate by grabbing his shirt to detain him.

When safe, feasible, and without compromising law enforcement priorities, officers will use de-escalation tactics to reduce the need for force. SPD Interim Policy 8.100-POL-1 (effective April 24, 2023). Officers are encouraged to use team approaches to consider whether any officer has successfully established a rapport with the subject. *Id.* The totality of the circumstances should guide de-escalation options. *Id.* SPD policy emphasizes communication, time, distance, and shielding to minimize the need for force. *Id.*

¹ *De minimis* force is a physical interaction meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury. SPD Interim Policy 8.050 (effective May 19, 2023).



NE#1 adequately de-escalated to the extent feasible under the circumstances. He identified himself as an SPD officer, presented his badge, and told the Complainant he was not free to leave. While NE#1 did not use time or distancing, NE#1 was not required to exhaust all possible de-escalation options. In fact, using time or distancing options could have compromised law enforcement priorities if the Complainant elected to flee. NE#1 had a short window to detain the Complainant, who could have easily fled since he was mobile. Although the Complainant did not show flight indicators, NE#1's use of *de minimis* force, like grabbing his shirt and guiding him to the sidewalk, was a reasonable way to detain him, especially after he admittedly committed a property crime against a vehicle. Overall, a preponderance of the evidence showed that NE#1's communication reflected adequate de-escalation based on the totality of circumstances before he used reasonable *de minimis* force to prevent flight.

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

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