



## ***CLOSED CASE SUMMARY***

ISSUED DATE: MARCH 24, 2025

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

CASE NUMBER: 2024OPA-0417

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 6.180-POL-6 Search Incident-to-Arrest/Custodial Search	Not Sustained - Unfounded (Expedited)

#### **Named Employee #3**

Allegation(s):		Director's Findings
# 1	7.060 – Releasing Evidence, 7.060-POL-2. Sworn Employees Release Evidence No Longer Needed for Law Enforcement Purposes	Not Sustained - Unfounded (Expedited)

#### **Named Employee #4**

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)	Not Sustained - Lawful and Proper (Expedited)

***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:**

The Complainant was arrested for assault and unlawful imprisonment. He alleged that Named Employee #2 (NE#2) unlawfully coerced him into disclosing his cellphone passcode; that Named Employee #1 (NE#1) and Named Employee #4 (NE#4) applied unauthorized force while handcuffing him in a holding cell; and that Named Employee #3 (NE#3) failed to return his firearm, which had been submitted as evidence.

### **ADMINISTRATIVE NOTE:**

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.



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On December 3, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

OPA investigated the OPA complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident and supplement reports, and evidence/property release authorization form. OPA also interviewed the Complainant via email.

On June 28, 2023, CAD call remarks noted a male with a semiautomatic handgun arguing with someone. SPD officers responded to the scene and subsequently arrested the Complainant for assault and unlawful imprisonment. BWV captured the Complainant being escorted into a patrol vehicle, where he then asked about his cellphone. NE#2 retrieved a cellphone and asked the Complainant for the passcode to confirm ownership, as NE#2 said fifteen cellphones were found at the scene. The Complainant provided the passcode, which unlocked the phone. NE#2 then promptly powered off the phone, relocking it, and handed it to NE#4.

BWV captured NE#1 and NE#4 entering the Complainant's holding cell, where NE#1 told the Complainant that they would handcuff him behind his back for transport. NE#1 uncuffed the Complainant while he was seated. NE#4 directed him to lean forward, but he stood instead. After NE#1 and NE#4 positioned his arms behind his back, NE#4 directed him to sit, but he refused and remained standing. NE#4 then pressed his hand against the Complainant's chest, after which the Complainant threatened to break NE#4's arm. NE#4 told him to relax. NE#1 and NE#4 then seated the Complainant, with NE#4 pressing his hand against the back of the Complainant's neck, causing him to bend forward. NE#1 handcuffed the Complainant's hands behind his back. NE#1 and NE#4 escorted the Complainant to a patrol vehicle, with NE#4 maintaining pressure on the back of the Complainant's neck, while stating that he was being combative. NE#1 and NE#4 then transported the Complainant to the King County Jail.

An evidence/property release authorization form—dated October 29, 2024, and signed by NE#3—authorized the release of all evidence, including the Complainant's firearm, to the Complainant.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)***

The Complainant alleged that NE#1 and NE#4 applied unauthorized force while handcuffing him in a holding cell.

Officers 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 persons. SPD Interim Policy 8.200(1) (effective April 24, 2023). Reasonability must consider that officers are often forced to make split-second decisions about the force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the officers' 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 officer or others. SPD Interim Policy 8.050 (effective May 19, 2023). Proportional force must reflect the



totality of circumstances of the situation, including the nature and immediacy of any threats posed to officers and others. *Id.* Officers must rely on training, experience, and circumstances to decide an appropriate level of force. *Id.*

NE#1 and NE#4 applied objectively reasonable, necessary, and proportional force to handcuff the Complainant behind his back for transport. Despite his noncompliance, their *de minimis* force overcame his resistance. They employed SPD-trained tactics to restrict his movements and maintain control holds while securing his arms for handcuffing. BWV did not show any indication of excessive force.

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

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

**Named Employee #2 – Allegation #1**

***6.180 – Searches-General, 6.180-POL-6 Search Incident-to-Arrest/Custodial Search***

The Complainant alleged that NE#2 unlawfully coerced him into disclosing his cellphone passcode.

Officers may, incident to a lawful arrest, search an arrestee's person and the area within the arrestee's immediate control. SPD Policy 6.180-POL-6. Officers may not search digital information on a cell phone or other device without the owner's consent or a search warrant. *Id.* Officers may search abandoned cell phones or electronic devices for the sole purpose of identifying the owner of the property. *Id.* The search must cease upon identifying the owner of the property. *Id.* If the officer views evidence of a crime on a device, the officer must cease the search and write a search warrant for the phone/device. *Id.*

NE#2 requested the Complainant's cellphone passcode to confirm ownership, not to search it. This request was reasonable since officers located multiple cellphones at the scene, necessitating confirmation of ownership. After unlocking the Complainant's cellphone, NE#2 promptly powered it off and handed it to NE#4. No search occurred under these circumstances.

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

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

**Named Employee #3 – Allegation #1**

***7.060 – Releasing Evidence, 7.060-POL-2. Sworn Employees Release Evidence No Longer Needed for Law Enforcement Purposes***

The Complainant alleged that NE#3 failed to return his firearm, which had been submitted as evidence.

Sworn employees will release evidence no longer needed for law enforcement purposes. SPD Policy 7.060-POL-2.

Based on the evidence/property release authorization form, NE#3 authorized the Complainant to reclaim his firearm. This authorization was granted about one day after the Complainant filed his OPA complaint—nearly a month before NE#3 would have received formal notice of the complaint. Moreover, based on the date of the authorization, it



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appears likely the Complainant reached out to SPD to request his firearm be returns on or about the same time he filed his OPA complaint.

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

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

**Named Employee #4 – Allegation #1**

***8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023)***

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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