



CLOSED CASE SUMMARY

ISSUED DATE: JULY 11, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2025OPA-0092

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.180- Searches-General 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Sustained
# 2	6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Lawful and Proper
# 3	6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop Officers Will Limit the Seizure to a Reasonable Scope	Sustained
# 4	6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 3. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Amount of Time	Sustained
# 5	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Sustained

Proposed Discipline

9 Hours (1 Day) to 27 Hours (3 Days) Suspension

Imposed Discipline

9 Hours (1 Day) Suspension

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.

ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) initiated a traffic stop when he observed the vehicle's driver (Driver) using a mobile device while driving. A passenger (Passenger) was seated in the front passenger seat. Passenger's preschool-aged child (Child) was seated in a rear passenger seat. NE#1 ordered Driver out of the vehicle when NE#1 was unable to identify him.



Driver resisted, NE#1 removed the keys from the ignition, Driver exited the vehicle, and NE#1 deployed his Taser at Driver. The Taser was ineffective, and Driver fled the scene on foot.

The Complainant—SPD’s Force Review Board—alleged NE#1 may have violated the Department’s search and seizure policies by later detaining Passenger and Child, and subsequently seizing Passenger’s cell phone. It was also alleged NE#1 spoke unprofessionally to Passenger.

ADMINISTRATIVE NOTE:

On April 16, 2025, the Office of Inspector General certified this investigation as timely, thorough, and objective.

STATEMENT OF FACTS:

OPA investigated the complaint by reviewing related computer-aided dispatch (CAD) call reports, the incident report and supplements, and body-worn video (BWV). OPA attempted to contact Passenger for an interview, but the phone number OPA located for her was out of service. OPA also interviewed NE#1.

1. Body-Worn Video

BWV recorded the traffic stop, struggle between NE#1 and Driver, Driver’s escape, and NE#1’s subsequent interactions with Passenger and Child.

On October 15, 2024, NE#1 was driving a motorcycle when he initiated a traffic stop of a five-door hatchback. NE#1 approached the front, driver-side window and spoke with Driver. NE#1 told Driver the reason for the stop was that Driver had his phone in his hand while driving. Passenger was in the front passenger seat. Child was seated in a back passenger seat.¹ Driver told NE#1 he did not have his identification or insurance to provide. Driver verbally provided a name—including first name “Caeluv”—date of birth, and driver license information to NE#1. NE#1 returned to his SPD motorcycle to use his computer but was unable to locate a driver license for Driver.

NE#1 returned to the vehicle and told Driver he could not locate his information. NE#1 ordered Driver to step out of the vehicle, which Driver questioned. NE#1 told Driver he needed to identify him.² Driver stated he was from Florida.³ During this time, Passenger pulled Child into the front passenger seat, opened the passenger-side door, and exited the vehicle. NE#1 opened the vehicle door and ordered Driver out of the vehicle. NE#1 attempted to remove Driver from the vehicle, and the two struggled. NE#1 removed the car keys from the ignition, then stepped back from the car door. Driver then exited the vehicle and stepped toward NE#1, demanding, “give me my keys my [racial epithet]!” NE#1 requested a “fast back.”⁴ NE#1 drew his Taser. As Driver moved toward the front of the vehicle, away from NE#1, NE#1 deployed two probes from his Taser, striking Driver. The Taser was ineffective, and Driver ran away.

NE#1 used his radio to describe the incident and provide Driver’s description and direction of travel. NE#1 then spoke to Passenger, who was putting a knit hat on Child, stating, “right in front of your kids, that’s ridiculous.” NE#1 told Passenger to “stay there” as NE#1 drove away on his motorcycle.

¹ Another back passenger seat had a car seat. Passenger later said this was already in the vehicle and did not belong to her and Child.

² In his incident report narrative, NE#1 also wrote Driver smelled like marijuana, and NE#1 believed Driver was under the influence.

³ The putative address Driver provided was in “Des Moines” and had a “98118” zip code, neither of which would be in Florida.

⁴ This is an urgent radio request for backup.



Passenger putting hat on Child before NE#1 drove away

NE#1 conducted an unsuccessful area check for Driver before returning to Passenger and Child, who were waiting at the vehicle, about two minutes later.

NE#1 contacted Passenger again. Passenger was now seated in the front, driver-side seat of the vehicle. Child was sitting in the front, passenger-side seat. NE#1 asked, "What's his name?" Passenger responded, "Uh, Caeluv." NE#1 asked, "What's his real name?" Passenger then started, "Uhm, so the thing is..." NE#1 then cut Passenger off, saying, "check this, hold on, hold on, check this out." NE#1 walked away, putting his helmet on his motorcycle before walking back to speak with Passenger. Passenger reengaged, saying, "so..." NE#1 cut her off again, stating, "I'm not playing games." Passenger stated, "I can show you my ID, I just moved here from Florida." NE#1 talked over Passenger, saying, "I'm not playing any games, what's his name?" Passenger said, "His name is Caeluv, I met him..." NE#1 again spoke over Passenger, saying, "It's not Caeluv." Passenger then explained she moved to Washington "about a month ago" and said she met Driver "about two weeks ago." NE#1 asked for Driver's cell phone number. Passenger immediately retrieved her cell phone and started searching her phone.

While Passenger was searching her cell phone for Driver's phone number, NE#1 stated in an elevated tone, "in front of your kid, this is ridiculous. Someone could have got hurt. He could have got shot. Your kid could have got shot." Passenger interjected, "OK, look, I don't know why you're yelling at me." NE#1 responded, "Because this is ridiculous and you know what's going on. That is why you guys were looking back at me on my traffic stop." Passenger denied "looking back" at NE#1. NE#1 asked, "what's his number?" Passenger explained she only had Driver's Facebook. NE#1 asked what the Driver's Facebook name was. Passenger provided the name "Alonzo."⁵ NE#1 said, "show it to me." Passenger showed NE#1 her cell phone screen. NE#1 said, "can I see that please?" Passenger responded, "My phone?" while pulling her cell phone screen back towards her chest. NE#1 replied, "yes." Passenger said, "I'm giving you his Facebook, that's it." Passenger then explained she had done "nothing wrong," that the situation was a "wrong time, wrong situation," and that Driver was driving Passenger and Child to school.

NE#1 asked Passenger again for Driver's name. Passenger stated, "Caeluv." NE#1 asked for Driver's last name, but Passenger said she did not know it. NE#1 stated, "give me your phone," while reaching into the vehicle to take

⁵ Driver was later identified as having the first name "Alonzale."



Passenger's cell phone. Passenger pulled her cell phone away, stating, "I haven't done anything!" NE#1 responded, "You have two seconds to give me your phone or you're going to jail." Passenger reiterated, "But I haven't done anything." NE#1 replied, "this has evidence on it, and I'm taking it for evidence. He is sitting in here and fighting." Passenger stated, "That is not fair at all. It really isn't." NE#1 responded, "you have five seconds." Passenger then handed her phone to NE#1, stating, "OK. I can give my phone but this is it, but I need to know, what is going on." NE#1 told Passenger that Driver "assaulted a police officer in the front of your vehicle." Passenger denied it was her vehicle. NE#1 said, "well, whosever vehicle." Passenger said that if the vehicle did not belong to Driver, then she did not know whose it was, that she just moved to the area, and now her phone was being taken while taking her daughter to school. NE#1 said the cell phone had "evidence" on it because Passenger had spoken to Driver on the phone. NE#1 said, "You don't want to give me a name, you don't want to give me any of that." Passenger replied, "How am I supposed to give you a name, if I just gave you the name that he gave me?" Passenger asked if any other officers were coming. NE#1 responded there were, "a bunch of officers coming, you assault a police officer, the whole city comes."

NE#1 asked Passenger for her name, which Passenger provided, then voluntarily handed her Florida State driver license to NE#1. NE#1 asked if there were weapons in the car, then told Passenger to step out of the car with Child. NE#1 said, "I don't trust anything you say. There's a reason why you grabbed your kid and got out of the car." Passenger responded she did so because NE#1 said to get out of the car. NE#1 said he told Driver to get out, not Passenger. Passenger replied, "Well, in Florida, we all step out of the car." Passenger and Child then exited the vehicle. NE#1 walked back to his motorcycle with Passenger's cell phone and identification. NE#1 appeared to look at the cell phone's lock screen and watched the screen as Driver appeared to call it later. NE#1 kept Passenger's phone and identification for about thirty minutes.

Other officers arrived on scene. Another officer (Backing Officer) then engaged in a cordial conversation with Passenger and helped Child put her hat back on her head.⁶ Backing Officer explained the importance of identifying Driver. Passenger told Backing Officer about meeting Driver two weeks earlier on Facebook's dating app, that the two had been out a few times, and that she and Driver met for breakfast that morning. Passenger said Driver was just taking her and Child to school. Backing Officer spoke politely with Passenger about using Child's cell phone to access Passenger's Facebook. Passenger voluntarily accessed her Facebook, provided the cell phone to Backing Officer, and showed Backing Officer pages with Driver's Facebook name, date of birth, and phone number. Backing Officer took photographs of this Facebook information. Backing Officer had a polite conversation with Passenger where she explained that Driver told her to call him "Alonzo" or "Zell," but that "he said his real name was Caeluv."⁷ Backing Officer also elicited other useful information from Passenger. Backing Officer provided NE#1 with the information he learned, which lead to Driver being positively identified.

From the time NE#1 told Passenger to "stay there," until Passenger and Child walked away the scene was about forty-five minutes.

2. OPA Interview – Named Employee #1

OPA interviewed NE#1. He explained his initial reason for stopping Driver was using an electronic device while operating a motor vehicle on a public roadway. NE#1 stated Driver also gave false information when identifying himself. After the struggle between himself and Driver, NE#1 said he was trying to get information from Passenger

⁶ Backing Officer started the interaction by saying "good morning" and acknowledging, "I know this is a stressful time."

⁷ Throughout, Passenger's enunciation appeared to switch between saying "Caeluv" and "Caleb," and "Alonzo" and "Alonzelle."



about the felony that just occurred. NE#1 also stated he had probable cause to believe Driver was operating a motor vehicle under the influence.

NE#1 stated he thought there was a relationship between Driver and Passenger, and that it was necessary for him to seize Passenger's phone because it had identifying information of Driver on it. NE#1 also said Passenger provided him with false information when he recontacted her. NE#1 said he thought Passenger's refusal to provide her phone constituted obstruction, which is why he threatened to arrest her. NE#1 said he detained Passenger because he thought she was obstructing his investigation. NE#1 said he believed there was an emergent reason to seize Passenger's cell phone because evidence on the phone could be destroyed.

NE#1 stated he believed his interaction with Passenger was professional. He stated that he modulated his tone after Passenger told him he was yelling at her. NE#1 said he was still stressed after fighting with Driver.

NE#1's Seattle Police Officer Guild (SPOG) representative stated that, by moving into the driver's seat of the vehicle, Passenger could have potentially left the scene with the vehicle. The SPOG representative also speculated that Driver and Passenger may have had communication about an exit strategy based on their behaviors.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

6.180- Searches-General 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

The Complainant alleged NE#1 violated SPD's search and seizure policy when he seized Passenger's cell phone as evidence.

SPD Policy forbids officers from making warrantless searches unless a specific exception applies. See SPD Policy 6.180(1).

NE#1 had no authority to demand—under threat of arrest—that Passenger provide her cell phone to him. Passenger's cell phone was a personal effect in her physical possession. Passenger was neither under arrest, nor did NE#1 have any reason to believe Passenger's cell phone was an instrument in the crimes under investigation. If NE#1 believed the cell phone contained information that could be useful in identifying Driver, he was free to request a consent search or seek a warrant. But he could not compel Passenger to provide her phone under threat of arrest. Also, to the extent NE#1 threatened to arrest Passenger for Obstructing a Law Enforcement Officer (RCW 9A.76.020), his understanding of the law was flawed. "[T]here is no general obligation to cooperate with a police investigation." See *State v. D.E.D.*, 200 Wash. App. 483, 495 (2017). Relatedly, NE#1 did not have probable cause to believe Passenger "knowingly" made a false or misleading statement. See RCW 9A.76.175. NE#1 did not know Driver's actual name—so he could not infer the Passenger was knowingly providing a false name. Passenger also provided the name "Alonzo" as Driver's Facebook name—information consistent with the information Passenger later provided Backing Officers. Finally, NE#1's reliance on the exigent circumstances doctrine greatly overstates the breadth of that doctrine and the circumstances facing NE#1. After unlawfully seizing Passenger's phone, NE#1's observations of her phone screen were neither from a "vantage point available to the public" nor made during a "lawful intrusion." See SPD Policy 6.180-POL-4. Having unlawfully seized the phone, these observations also constituted an unlawful search.



Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #2

6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion

The Complainant alleged that NE#1's detention of Passenger was not based on reasonable suspicion.

SPD Policy 6.220-POL-2(1) governs Terry stops and stands for the proposition that Terry stops are seizures of an individual and, as such, must be based on reasonable suspicion in order to be lawful. SPD Policy defines a Terry stop as: "A brief, minimally invasive seizure of a suspect based upon articulable reasonable suspicion in order to investigate possible criminal activity." SPD Policy 6.220-POL-1. SPD Policy further defines reasonable suspicion as: "Specific, objective, articulable facts, which, taken together with rational inferences, would create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging or is about to engage in criminal conduct." *Id.* Whether a Terry stop is reasonable is determined by looking at "the totality of the circumstances, the officer's training and experience, and what the officer knew before the stop." *Id.* While "[i]nformation learned during the stop can lead to additional reasonable suspicion or probable cause that a crime has occurred, it "cannot provide the justification for the original stop." *Id.*

Although OPA has great concerns about the scope of NE#1's detention of Passenger, OPA finds NE#1 more likely than not had reasonable suspicion at the inception to detain her for some amount of time.

NE#1 stopped Driver for a minor traffic infraction but smelled marijuana coming from Driver. Driver then provided NE#1 with false identifying information, including a false name. After ordering Driver from the car, Driver resisted and fled. NE#1 ordered Passenger to stay at the vehicle with Child while NE#1 conducted a brief area check. This order was reasonable given the uncertain situation, escalation by Driver, Driver's flight from a routine traffic stop, and fact vehicle was not registered to Driver. NE#1 had reasonable suspicion of criminal activity and, because Passenger was riding in the front seat with Driver—then later in the front driver's seat—reasonable basis to believe she might be involved. Although thin, OPA finds this met the minimum standard to detain Passenger based on the low reasonable suspicion standard. The scope and timing of the stop is discussed below at Allegations #3 and #4.

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

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

Named Employee #1 – Allegation #3

6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop Officers Will Limit the Seizure to a Reasonable Scope

The Complainant alleged that NE#1's detention of Passenger exceeded a reasonable scope.



SPD Policy 6.220-POL-2(2) requires that officers limit a seizure to a reasonable scope. The policy further states that: “Actions that would indicate to a reasonable person that they are being arrested or indefinitely detained may convert a Terry stop into an arrest.” SPD Policy 6.220-POL-2(2). The policy provides a list of possible actions that could indicate to a reasonable person that they are being arrested—such as applying handcuffs or using force—but specifies that the occurrence of any one of these would not necessarily convert a Terry stop into an arrest. *See id.* Unless justified by the basis for the original stop, policy requires officers to have “additional articulable justification” to take any of these actions. *Id.*

NE#1 exceeded the permissible scope for detaining Passenger. Overall, NE#1’s demeanor towards Passenger was curt and overbearing. NE#1 repeatedly cut off Passenger as she attempted to voluntarily provide information. Notably, the information she was attempting to provide corresponded with information obtained later by Backing Officer, and was used to identify Driver. Passenger repeatedly stated to NE#1 that she had done nothing wrong, even volunteering her identification and information on her phone. Still, NE#1 took Passenger’s identification and cell phone away from her, told her he did not trust “anything” she said, ordered her and her pre-school aged child out of the vehicle on a cloudy day in mid-October, and held them at the scene for about thirty to forty-five minutes.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #4

6.220 – Voluntary Contacts, Terry Stops, & Definitions, 6.220-POL-2 Conducting a Terry Stop, 3. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Amount of Time

The Complainant alleged that NE#1 detained the Passenger for an unreasonable amount of time.

SPD Policy 6.220-POL-2(4) requires that officers limit Terry stops to a reasonable amount of time. It instructs that “subjects may only be seized for that period of time necessary to effect the purpose of the stop” and further states that “officers may not extend a detention solely to await the arrival of a supervisor.”

NE#1 could only detain Passenger (and Child) long enough to confirm or dispel any suspicion that Passenger was involved in criminality. Backing Officer was able to accomplish this much in about five and a half minutes of conversation with Passenger. After this, she should have been informed she was free to leave, and her property should have been returned. NE#1 could have requested Passenger voluntarily stay on scene to help identify Driver, but she was not under any legal obligation to do so. Instead, NE#1 held Passenger and her Child at the scene for about thirty to forty-five minutes.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 – Allegation #5

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

It was alleged that NE#1 treated the Complainant unprofessionally.



SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. SPD Policy 5.001-POL-10. Additionally, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* Furthermore, the policy states: “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 any person.” *Id.*

NE#1’s treatment of Passenger and Child was unprofessional and not acceptable. Recognizing that NE#1 was involved in an extremely stressful altercation with Driver, NE#1 had no basis to repeatedly upbraid Passenger in front of her preschool aged Child—both of whom also experienced the frightening altercation between Driver and NE#1. Overall, NE#1 was overbearing and spoke down to Passenger, lectured her, and questioned her in an accusatory tone, including by mistakenly threatening to arrest her. This alone would be sufficient to sustain the professionalism allegation. OPA finds that, separately, specific comments made by NE#1 to Passenger were inappropriate and, considered in context, would support a sustained finding for professionalism, such as:

- “Right in front of your kids, that’s ridiculous.”
- “In front of your kid, this is ridiculous. Someone could have got hurt. He could have got shot. Your kid could have got shot.”
- “I don’t trust anything you say. There’s a reason why you grabbed your kid and got out of the car.”
- “A bunch of officers coming, you assault a police officer, the whole city comes.”

NE#1’s statements to Passenger were notable because NE#1 appeared to be venting his frustration at Driver to Passenger and Child. Commendably, Passenger remained cooperative throughout, attempting to provide the information that she had, sharing information on her personal phone, voluntarily logging into Child’s phone to share information with Backing Officer, and—later—apparently agreeing to work with officers to contact Driver.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**