



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 21, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0085

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010 Arrests POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Lawful and Proper

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL 14. Retaliation is Prohibited	Not Sustained - Unfounded (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:

On May Day in 2021, SPD officers arrested the Complainant for reckless driving. The Complainant alleged that Named Employee #1 (NE#1)—a former SPD Police Officer—had him arrested without probable cause. The Complainant also alleged his arrest was directed by Named Employee #2 (NE#2) as retaliation for the Complainant's participation in various protests.

ADMINISTRATIVE NOTE:

The 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. OIG certified the expedited investigation concerning NE#2 as thorough, timely, and objective on March 18, 2024.

On January 28, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

In a prior OPA case (2024OPA-0055), the Complainant alleged NE#2 arrested him without probable cause, was unprofessional, engaged in bias-based policing, and retaliated against him. All those allegations were approved for expedited investigation with Not Sustained findings of Unfounded and Lawful and Proper. While corresponding with OPA during that investigation, the Complainant separately alleged that he was falsely arrested on May 1, 2021, which was evidence of going harassment by NE#2.



OPA investigated this complaint by reviewing the computer-aided dispatch (CAD) records, body-worn videos (BWV), incident report and supplements, court records, incident action plan (IAP), NE#2's timesheets, a video provided by the Complainant, radio traffic, email correspondence, and OPA Case 2024OPA-0055.

OPA finds that, more likely than not, the following occurred.

During the May Day protests in 2021, NE#1 was assigned to work with a federal agent in an unmarked vehicle and wearing plain clothes. NE#1 wrote in his officer report that he and the federal agent were assigned to locate a person suspected of using an improvised incendiary device. NE#1 wrote he was backing out of a driveway when he observed a white Toyota Rav4 slowly approach his vehicle and stop. NE#1 wrote the Rav4's driver looked at his vehicle and then a bottle with "red fluid" was throw at his vehicle from the Rav4's driver-side window. NE#1 wrote that the male driver—who he later identified as the Complainant—looked out of his window, grin, and hold up his phone. NE#1 also described a male passenger in the Rav4. NE#1 wrote he drove away to de-escalate the situation, but "circled back in an attempt to get the license plate of the Rav4" to broadcast for officer safety reasons. NE#1 wrote the Rav4 began following him, driving "rapidly and directly towards me," driving in the center of the roadway, and driving in an apparent "game of chicken." NE#1 wrote about his own efforts to avoid the Rav4 but described the Rav4 as "trying to instigate a violent confrontation" by repeatedly driving towards NE#1's vehicle.

The initial interaction between NE#1 and the Complainant was not recorded by BWV or in-car video. NE#1 broadcast a contemporaneous description of the incident over the radio, along with a license plate number of the Complainant's vehicle (Plate #1). NE#1 broadcast that Plate #1 was attempting to assault plain clothes officers or their vehicle. NE#1 provided the description of Plate #1 as a white Rav4 with two male occupants. NE#1 also provided a direction of flight for the Rav4.

Other SPD officers located the Rav4 and detained the two male occupants: the Complainant and a passenger. The stop was recorded on BWV. The Complainant denied throwing anything at the police and stated the situation was harassment because the unmarked police cars were following him. Officers also determined that the Rav4 had two different plates registered to it, Plate #1 and a different Plate #2. The Complainant was arrested for reckless driving.

Later, BWV recorded the Complainant as he was being processed. The Complainant stated he had a medical condition. A supervisor called for the Seattle Fire Department (SFD). The Complainant appeared to look around, fall off his chair, and start shaking on the ground. Officers who were present immediately attended the Complainant. SFD arrived and began treating the Complainant less than five minutes later. After evaluating the Complainant, SFD concluded the Complainant did not have a seizure and confirmed there was nothing medically wrong with the Complainant.

On December 9, 2022, the Seattle Law Department declined to prosecute the Complainant's arrest due to "office policy." The Law Department explained that, due to the backlog, ewer cases were being prioritized, and the Complainant's arrest did not meet the criteria set for prosecution.

OPA contacted the Complainant multiple times to arrange an interview. The Complainant eventually responded by email, stating "You can reference my arrest from may 1st 2021 to show targeted harassment in your own files." Later, the Complainant wrote he would forward OPA a "screen shot" from his arrest as evidence. Later, the Complainant called the assigned OPA investigator but refused to give a recorded statement or answer follow-up questions. The Complainant stated he had video that showed NE#2 and a federal agent following him in an unmarked vehicle. The Complainant insisted that a complaint be filed specifically against NE#2. The Complainant also pressed OPA to provide



the name of the federal agent, which OPA could not release. OPA also requested the Complainant provide contact information for his male passenger, as all the potential contact information OPA located was unsuccessful. The Complainant never provided the contact information or a full video of the alleged incident, which he claimed to possess.¹

NE#1 separated from SPD before the conclusion of this investigation. OPA reached out to NE#1, who declined to provide a voluntary interview.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

6.010 Arrests POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#1 had him arrested him without probable cause.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. 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 an officer's knowledge are sufficient in themselves to 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).

In his officer statement, NE#1 described the Complainant as, among other things, driving rapidly and directly towards him, driving down the center of a roadway, and playing a “game of chicken.” If true, this would establish probable cause for reckless driving.² NE#1's written description of events was partially corroborated by contemporaneous radio traffic.

The Complainant denied these allegations, suggesting he was being targeted due to his race or affiliation with protest groups. OPA does not credit the Complainant's denials. First, the Complainant only raised this allegation after the felony criminal case underlying 2024OPA-0055 was dismissed on October 25, 2023. Second, the Complainant appeared motivated to discredit NE#2 by making multiple false allegations against him. As discussed below, OPA determined NE#2 was not involved in the Complainant's May 1, 2021, arrest. OPA also determined that some allegations the Complainant made against NE#2 in 2024OPA-0055 were demonstrably false.³ Third, the Complainant's behavior and engagement with OPA was unusual and suggested an attempt to weaponize the OPA process against law enforcement. Notably, the Complainant insisted that he saw NE#2 on May 1, 2021, pressed for the identity of a

¹ The Complainant did provide a thirty-two second video that appeared to depict SPD bike officers engaging with someone in a car, but the video did not run continuously, instead, the individual viewing the video appeared to be recording a screen as they scrolled back and forth across the recorded timeline. The date on the top of the video was September 14, 2022, but the Complainant insisted the video showed his May 1, 2021, arrest.

² See RCW 46.61.500. “Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor[.]” *Id.*

³ Notably, the Complainant alleged NE#2 used racial language about him during that arrest, which BWV conclusively disproved.



federal agent, and sent a video that contained obvious irregularities as “evidence” of his claims. Finally, there was evidence within this incident that suggested the Complainant possibly feigned a medical emergency during his arrest.

OPA finds NE#1 caused the Complainant to be arrested based on probable cause. Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper.

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

Named Employee #2 – Allegation #1

5.001 - Standards and Duties, 5.001-POL 14. Retaliation is Prohibited

The Complainant alleged that NE#2 retaliated against him by having him arrested due to his involvement in protest groups.

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in lawful activities. *Id.* Retaliatory acts are defined broadly under SPD’s policy and include discouragement, intimidation, coercion, or adverse action against any person. *Id.*

OPA observed no documentary, radio, or video evidence that suggested NE#2 was involved in the Complainant’s arrest in any way. SPD CAD records showed NE#2 was not logged into service on May 1, 2021. NE#2’s timesheets showed he was not working on May 1, 2021. Moreover, as discussed above, the Complainant appeared motivated to specifically discredit NE#2 as the investigating officer in his other felony arrest.

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

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