



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 4, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0281

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010 - Arrests, 6.010-POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #2

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	6.010 - Arrests, 6.010-POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Lawful and Proper (Expedited)

Named Employee #3

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

Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) arrested the Complainant for possessing a stolen vehicle. The Complainant alleged that the named employees lacked probable cause for the arrest and were racially biased against him.



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.

On August 12, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On July 8, 2024, the King County Office of Law Enforcement Oversight forwarded to OPA the Complainant's complaint. It alleged that the named employees, with insufficient probable cause, arrested him based on "likeness" to a stolen vehicle suspect and his race.

OPA investigated the complaint by reviewing the computer-aided dispatch call report, incident and supplement reports, body-worn video (BWV), patient care record, and photograph of the stolen vehicle suspect. OPA was unable to reach the Complainant for an interview.

NE#3 documented the following details in his incident report. NE#3 located a stolen vehicle in a Safeway's underground parking garage.¹ NE#1 viewed the Safeway's security cameras and saw a suspect in the driver's seat of that vehicle. NE#1 disseminated a photograph of the suspect to other SPD officers. NE#3 saw in the photograph a Black male aged 30 to 40 with a faint mustache and facial hair and wearing diamond earrings, an oversized white T-shirt, dark colored pants, and white Jordan sneakers with black bottom trims. After NE#3 exited the parking garage, he saw the Complainant—appearing to be a "perfect match for the suspect seen exiting the stolen vehicle"—pushing a red mountain bicycle near the Safeway. NE#3 compared the Complainant with the suspects photograph and became "immediately certain" that they matched.

NE#3's BWV captured NE#3 driving his patrol vehicle, with NE#2 in the passenger's seat. The Complainant fled on the bicycle. NE#3 searched for the Complainant with his emergency equipment activated. NE#3 parked beside NE#1, who had already handcuffed the Complainant on the ground.² As shown on BWV, the Complainant was a Black male with light facial hair and wore a backpack, diamond earrings, a gray sweater, black pants, and white Jordan sneakers with black bottom trims. NE#3 maneuvered the Complainant to the recovery position and then the sitting position. NE#3 removed the backpack, and NE#2 Mirandized the Complainant. NE#2 removed the Complainant's sweater, revealing a white T-shirt. NE#2 told the Complainant he was arrested for possessing a stolen vehicle.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that the named employees lacked probable cause to arrest him.

¹ NE#2's supplement report stated that he observed a punched ignition and damage to the steering column. It also stated that SPD's data center confirmed it as a stolen vehicle after he ran the vehicle identification number (VIN).

² NE#1 intercepted the Complainant on foot by pushing him off the bicycle.



Officers must have probable cause that a suspect committed a crime when effectuating an arrest. SPD Policy 6.010-POL-1. 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 sufficiently 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).

The named employees had sufficient probable cause to arrest the Complainant for possessing a stolen vehicle. NE#2 confirmed the vehicle's stolen status when he ran the VIN. Through security camera footage, NE#1 saw the suspect in the driver's seat, photographed him, and disseminated the image to other SPD officers. NE#2 and NE#3 believed the Complainant, found pushing a bicycle near the Safeway, matched the suspect depicted in the image. The suspect's features that NE#3 described in his incident report matched those of the Complainant. The totality of these facts supported probable cause, justifying the Complainant's arrest.

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

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

Named Employee #1 – Allegation #2

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

The Complainant alleged that the named employees were racially biased against him.

Biased policing means “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. It includes different treatment based on race. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

As noted above, the Complainant's arrest was based on probable cause for possessing a stolen vehicle, not racial bias. The named employees appropriately considered the Complainant's race only as part of a specific suspect description, as permitted under SPD policy. *See* SPD Policy 5.140-POL-3 (allowing officers to consider race in establishing reasonable suspicion or probable cause only when it is “part of a specific suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident”). Aside from this permissible racial consideration, OPA found no evidence showing that race impacted the named employees' decisions or actions.

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

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

Named Employee #2 – Allegation #1

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

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).



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

Named Employee #2 – Allegation #2

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

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

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

Named Employee #3 – Allegation #1

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

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #2

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

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

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