




CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 14, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0315

Allegations of Misconduct & Director's Findings

Named Employee #1

| 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) |
| # 3 | 6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights | Not Sustained - Unfounded (Expedited) |
| # 4 | 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy | Not Sustained - Unfounded (Expedited) |
| # 5 | 8.200 – Using Force, 8.200-POL-1. Use of Force: When Authorized (Effective April 24, 2023) | 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:

Named Employee #1 (NE#1) responded to a trespass call at a store involving the Complainant. During the investigation, NE#1 discovered that the Complainant had an active felony warrant for robbery and subsequently arrested her. The Complainant alleged that she was subjected to bias, unlawful arrest, a lack of *Miranda* warnings, unauthorized force, and sexual molestation.

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 employee. As such, OPA did not interview the named employee in this case.

On August 23, 2024, OIG certified OPA's investigation as thorough, timely, and objective.



SUMMARY OF INVESTIGATION:

On July 22, 2024, the Complainant left OPA a voicemail, seeking to file an OPA complaint. On July 24, 2024, OPA interviewed the Complainant, during which she presented several allegations as noted above. She clarified that NE#1 exhibited bias through stalking and harassing. She also clarified that NE#1 used unauthorized force by Tasing her.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video, arrest report, and use-of-force report.

On July 7, 2023, at 12:02 PM, CAD call remarks noted, “LOOK FOR FEMALE IN FRONT OF STORE BEING VERBALLY AGGRESSIVE AND REFUSING TO LEAVE, WISH TO HAVE HER FORMALLY TRESPASSED, POSS[IBLY] HIGH/INTOX[ICATED].”

BWV recorded NE#1 responding to the store, approaching the Complainant at the register, and instructing her to leave.¹ She eventually proceeded toward the exit. NE#1 and a backing officer escorted her out of the store, handcuffed her, and led her to the front of a patrol car.² NE#1 told her she was detained at that point, clarifying that his presence at the store was due to her refusal to vacate when requested by an employee. NE#1 returned to the store to interview an employee, who said he wished to formally trespass the Complainant because of her verbal aggression and noncompliance. Afterward, NE#1 entered his patrol car and ran the Complainant’s information. After NE#1 reapproached the Complainant, dispatch verified an extraditable felony warrant. NE#1 radioed for a supervisor and a female officer. NE#1 told the Complainant she was formally trespassed from the store but was being arrested for the felony warrant, which she contested. NE#1 Mirandized the Complainant and then searched her. NE#1 told her he would use the back of his hand to check her breast and groin areas for weapons, which he did. NE#1 also mentioned that a female officer was unavailable for the search. Subsequently, NE#1 placed the Complainant in the back of his patrol car, where a sergeant who responded to the location screened the arrest. NE#1 then transported the Complainant to the King County Jail.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

The Complainant alleged that NE#1 exhibited bias through stalking and harassing.

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. Employees are forbidden from making decisions or taking actions influenced by bias, prejudice, or discriminatory intent. See SPD Policy 5.140-POL-2.

OPA found no evidence suggesting that NE#1 treated the Complainant differently based on any discernible personal characteristic. Additionally, OPA found no evidence suggesting that NE#1 engaged in stalking or harassment. During

¹ NE#1 documented his initial observations of the Complainant in an arrest report, describing her as escalated, hysterical, sweating, speaking rapidly and incoherently, and noncompliant.

² NE#1’s arrest report stated that he handcuffed the Complainant due to her “erratic behavior” during his investigation into trespass and harassment.



NE#1's investigation, NE#1 detained the Complainant and informed her of this decision. The detainment was elevated to an arrest following dispatch's verification of the Complainant's active felony warrant. Throughout the encounter, NE#1 maintained a professional demeanor and kept the Complainant informed. Overall, OPA found no evidence supporting the Complainant's claim of biased policing.

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

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

Named Employee #1 – 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

The Complainant alleged that NE#1 lacked probable cause for the arrest.

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).

NE#1 arrested the Complainant for an active felony warrant, which dispatch verified via radio. A sergeant responded to the scene and identified no issues when he screened the arrest. There was sufficient probable cause supporting 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 #3

6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights

The Complainant alleged that NE#1 failed to Mirandize her.

Sworn employees will advise all arrestees of their full *Miranda* rights. SPD Policy 6.150-POL-1(1). Sworn employees will give this advisement to all persons taken into custody, regardless of interview, as soon as practical. *Id.*

NE#1 did not Mirandize the Complainant immediately after handcuffing her, as she was merely being detained during NE#1's investigation. NE#1 communicated this decision to her. Once dispatch verified the Complainant's felony warrant, NE#1 informed her that she was under arrest and subsequently Mirandized her.

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

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



Named Employee #1 – Allegation #4

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged that NE#1 sexually molested her.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2.

This allegation is unfounded. NE#1 informed the Complainant that he would use the back of his hand to check her breast and groin areas for weapons, which he did. The search was brief, lawful, proper, and consistent with SPD training. Additionally, it was recorded on BWV, which did not align with the Complainant's account of the search. NE#1 also informed the Complainant that a female officer was unavailable for the search.

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

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

Named Employee #1 – Allegation #5

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

The Complainant alleged that NE#1 used unauthorized force by Tasing her.

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.*

This allegation is unfounded. NE#1 did not deploy his Taser at any point during his interaction with the Complainant. To the extent that NE#1 used *de minimis* force to escort her from the store and handcuff her, such force was lawful and proper, given her escalated and noncompliant behavior. *See* SPD Interim Policy 8.050 (effective May 19, 2023) (defining *de minimis* force as 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).

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

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