



## CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 22, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0325

### 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 (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 July 16, 2024, SPD officers, including Named Employee #1 (NE#1), responded to an incident involving the Complainant and his spouse (Community Member #1 or CM#1). The call remarks noted that the Complainant stated he was suicidal and planned to overdose on pills. Additional remarks showed that CM#1 stated the Complainant had hit her. During the response to the incident, it was determined that the Complainant had threatened to kill CM#1. NE#1 arrested the Complainant for felony harassment. The Complainant alleged he was wrongfully arrested without probable cause.

### 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 September 5, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

OPA investigated the Complaint by reviewing the computer-aided dispatch (CAD) call report, incident report, body-worn video (BWV), and mobile data terminal (MDT) messages. OPA also interviewed the Complainant who stated that officers should have known CM#1 was a "liar" and not arrested him based on her statements.



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**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 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).

OPA reviewed all BWV and relevant documentation for this incident. OPA determined NE#1 was familiar with and responded to previous incidents involving the Complainant and CM#1. BWV showed NE#1 contacted the Complainant to gather his account of the incident. The Complainant denied any assault occurred but threatened to hurt himself by ingesting medication. BWV showed NE#1 contacted CM #1, who informed him of several historical domestic violence incidents with the Complainant. CM#1 also told NE#1 that, twenty-five minutes earlier, the Complainant had threatened to kill her, and she was terrified and believed he could act on it. Based on this information NE#1 found probable cause to arrest the Complainant for felony harassment. Although this incident may not have involved a mandatory arrest, and NE#1 could have detained the Complainant under the Involuntary Treatment Act, this does not negate the fact that probable cause existed to arrest the Complainant for felony harassment (RCW 9A.46.020(2)(b)(ii)).

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

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