



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 17, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0341

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 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	6.185 - Search Warrants, 6.185-TSK-2 Completing a Felony Search Warrant (After Hours)	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 May 29, 2024, SPD officers, including Named Employee #1 (NE#1), responded to Harborview Medical Center (HMC) in response to a domestic violence assault call. NE#1 interviewed the victim, Community Member #1 (CM#1), who was in an HMC hospital bed. CM#1 alleged the Complainant had strangled her and threatened her with a black handgun the day prior. CM#1 had red marks on her neck consistent with being strangled. NE#1 subsequently contacted the Complainant outside his residence who stated CM#1 was expressing suicidal thoughts and he wanted her to stay at the apartment. The Complainant had no explanation for CM#1's injuries and was arrested. Thereafter, NE#1 obtained a search warrant to search the Complainant's residence for the firearm and accessories allegedly involved in the incident. A search of the Complainant's residence returned two tactical vests, one pistol, and two live rounds. The Complainant alleged NE#1 engaged in bias-based policing and stated he was arrested based on his race and noted the involved officers and CM#1 were all white. Additionally, the Complainant alleged the warrant obtained by NE#1 was unlawful as it was not signed by a judge.

ADMINISTRATIVE NOTE:

This case was approved for an 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 October 1, 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, body-worn video (BWV), incident report and supplements, and photographs. OPA requested an interview with the Complainant through his attorney, who did not respond to the request.

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 was biased based on his race.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. *See id.* Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

OPA reviewed all BWV and relevant documentation for this incident. BWV shows officers, including NE#1, interview CM#1 at HMC. CM#1 alleged the Complainant had strangled her and threatened her with a black handgun the day prior. CM#1 had red marks on her neck consistent with being strangled. NE#1 subsequently contacted the Complainant outside his residence and took his statement, in which the Complainant denied assaulting CM#1 and indicated he thought she was suicidal and wanted her to stay. The Complainant had no explanation for CM#1’s injuries and was arrested. Although this situation did not meet the technical requirements of a mandatory arrest (as the incidents occurred more than four hours in the past), all other circumstances indicated an arrest should be made. NE#1 had probable cause for a discretionary arrest for felony Assault in the second degree. *See* RCW 9A.36.021(1)(g) (concerning assault by strangulation or suffocation). There was no indication that bias, racial or otherwise, factored into the decision to arrest the Complainant.

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

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

Named Employee #1 – Allegation #2

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).



NE#1 arrested the Complainant as he had probable cause to do so for felony DV Assault. For the reasons articulated above at Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #1 – Allegation #3

6.185 - Search Warrants, 6.185-TSK-2 Completing a Felony Search Warrant (After Hours)

The Complainant alleged that NE#1 did not obtain a proper warrant because it was not signed by the judge.

SPD Policy 6.185-TSK-2 provides the requirements for officers writing a felony warrant after hours. The task list permits the officer to obtain “approval from the judge per the judge’s instructions.” See SPD Policy 6.185-TSK-2.

NE#1 properly obtained a search warrant. The Complainant alleged the warrant was not signed by a judge. As this was an after-hours warrant, NE#1 properly called the hotline and obtained approval from a judge. An email attached to the warrant from the judge indicated she approved the warrant and authorized officers to affix her name to the warrant.

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

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