




CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 21, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0343

Allegations of Misconduct & Director's Findings

Named Employee #1

| Allegation(s): | | Director's Findings |
|----------------|---|---|
| # 1 | 5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication | Not Sustained - Unfounded (Expedited) |
| # 2 | 5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing | Not Sustained - Unfounded (Expedited) |
| # 3 | 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 #2

| Allegation(s): | | Director's Findings |
|----------------|--|---------------------------------------|
| # 1 | 5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication | Not Sustained - Unfounded (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 #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) |

Named Employee #4

| 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 | 6.150 – 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) |

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:

The named employees (NE#1 through NE#4) responded to an altercation involving a knife. The Complainant alleged that NE#1 and NE#2 were untruthful by misrepresenting her statements; that NE#4 failed to Mirandize her following her arrest; that NE#1 lacked probable cause for the arrest; and that the named employees exhibited racial bias.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified a sergeant failing to safeguard the Complainant's property. OPA sent the sergeant's potential violation of SPD Policy 16.090-POL-2(1) (Officers Submit Property Collected for Community Caretaking as Evidence) to her chain of command for Supervisor Action.¹

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

On October 8, 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), and incident and supplemental reports.

On September 22, 2023, a suspicious person, vehicle, or incident was coded into CAD. The named employees responded to Pike Street with their BWV activated, capturing the following events. Community Member #1 (CM#1) reported to the officers that he argued with the Complainant, who had requested drugs, a request he found offensive. CM#1 also reported that the Complainant drew a knife from a black sheath in her purse and approached him with it. Community Member #2 (CM#2)—CM#1's friend—reported that she intervened by positioning herself between CM#1 and the Complainant, utilizing pepper spray to deter any potential assault. The Complainant, in turn, reported to the officers that CM#1 assaulted her while CM#2 possessed a firearm in her purse.

CM#2 consented to officers searching her bag, which did not contain a firearm. During questioning, the Complainant provided inconsistent statements about the location of the knife. She declined a search of her bag. An officer respected her decision but insisted that the bag be kept apart from her for safety reasons. As the officer began separating the bag from the Complainant, a knife in a black sheath emerged from the unzipped bag. Officers arrested the Complainant for felony assault and subsequently Mirandized her.

¹ A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged that NE#1 and NE#2 were untruthful by misrepresenting her statements.

Department employees must be truthful and complete in all communications. SPD Policy 5.001-POL-11.

This allegation is unfounded. BWV showed NE#1 and NE#2 establishing what occurred by interviewing the involved parties and gathering evidence. Throughout this process, neither NE#1 nor NE#2 was untruthful or misrepresented the Complainant's statements.

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

Recommended Finding: **Not Sustained – Unfounded (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 exhibited racial bias.

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 discernible personal characteristics. *See* SPD Policy 5.140-POL-2.

This allegation is unfounded. There was no evidence to suggest that race impacted the named employees' investigation. They interviewed the involved parties, consulted witnesses, and reviewed the physical evidence at the scene, which included a knife found in the Complainant's bag. The Complainant's arrest was driven by the facts obtained during the investigation.

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

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

Named Employee #1 – Allegation #3

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 her 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).

The Complainant's arrest was supported by probable cause. CM#1 and CM#2 were able to accurately describe the weapon that the Complainant was concealing and its location. The Complainant provided inconsistent statements and was evasive. Her credibility was further undermined when she falsely claimed that CM#2 had a firearm in her purse. The totality of the evidence supported probable cause for felony assault.

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

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

Named Employee #2 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-11. Employees Will Be Truthful and Complete in All Communication

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

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

Named Employee #2 – Allegation #2

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

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

Recommended Finding: **Not Sustained – Unfounded (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 articulated in Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #4 – Allegation #1

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

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

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



Named Employee #4 – Allegation #2

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#4 failed to Mirandize her following her arrest.

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 people taken into custody, regardless of interview, as soon as practical. *Id.*

This allegation is unfounded. NE#2 Mirandized the Complainant immediately following her arrest. During the Miranda advisements, the Complainant repeatedly shouted, “I don’t give a fuck!”

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

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