



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 13, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0371

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 (Effective July 26, 2019)	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:

The Complainant alleged that Named Employee #1 (NE#1) unlawfully arrested her for assaulting officers.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#1 failing to notify the Complainant that she was being recorded. OPA sent NE#1's potential violation of SPD Policy 16.090-POL-1(5) (Employees Recording Police Activity) (effective October 1, 2020) to his chain of command for Supervisor Action.¹

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding 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 22, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing body-worn video (BWV) and the incident report. The Complainant did not respond to OPA's multiple requests for an interview.

On April 29, 2022, the Complainant called 911 to report that she was driving while intoxicated, in crisis, and bipolar. BWV captured NE#1 and two backing officers responding to her location, finding her in the driver's seat of her vehicle, which was running and facing the opposite direction in a one-way lane. She appeared to be in distress,

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).



indicated that she was undergoing a mental health crisis, and admitted to drinking.² She declined to participate in standardized field sobriety tests, was uncooperative, and threatened to assault NE#1. Although she was convinced to exit the vehicle, she attempted to resist by pulling away. The officers handcuffed her and secured her against the vehicle, during which she spat and kicked at them. The officers placed a spit mask over her face and guided her to the ground. She was then transported to a hospital, where a legally authorized blood draw was performed.

NE#1's incident report stated that the Complainant was arrested for impaired driving and third-degree assault.

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 (Effective July 26, 2019)

The Complainant alleged that NE#1 unlawfully arrested her for assaulting officers

Officers must have probable cause to believe that a suspect committed a crime when effecting an arrest. SPD Policy 6.010-POL-1 (effective July 26, 2019). 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 established sufficient probable cause to arrest the Complainant for assault. BWV captured her spitting at the officers and kicking at them—actions constituting assault. Separately, NE#1 established sufficient probable cause to arrest her for impaired driving. She admitted to drinking multiple times and displayed signs of impairment, including an odor of intoxicants, and bloodshot and watery eyes.

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

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

² NE#1's incident report stated that he smelled odor of intoxicants emanating from within the vehicle, and the Complainant's eyes were bloodshot and watery.