



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 11, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0434

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded

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) was involved in a domestic dispute with Community Member #1 (CM#1), his wife, during a contentious divorce. NE#1 allegedly assaulted CM#1 when he drove over her foot.

ADMINISTRATIVE NOTE:

On July 11, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA's investigation included reviewing the Unsubstantiated Misconduct Screening (UMS) form, body-worn video (BWV), Ring video, Pierce County Sheriff's Office (PCSO) interview records, and Pierce County Prosecuting Attorney's Office (PCPAO) law enforcement memorandum. OPA also interviewed CM#1 and NE#1.

A. Unsubstantiated Misconduct Screening (UMS) Form

On November 12, 2024, a lieutenant submitted a UMS form to OPA. He wrote he became aware of a domestic incident involving NE#1 and CM#1 that led to a response from PCSO deputies. He learned the following from a PCSO police report. According to the report, CM#1 had been hanging onto NE#1's vehicle, standing on its running board, when the vehicle began to move, resulting in CM#1's foot being run over. The report indicated that NE#1 and CM#1 were undergoing a contentious divorce but continued residing together, along with CM#1's daughter, until CM#1 and her daughter recently relocated. The report stated that CM#1 did not believe NE#1 intended to run over her foot. The report also stated that PCSO deputies did not develop probable cause for any crime.



B. Body-Worn Video (BWV)

Two PCSO deputies interviewed CM#1 near a 7-Eleven with their BWV activated. CM#1 wore a medical boot on her left foot. CM#1 said her left foot was swollen and sustained soft tissue damage, but nothing was broken. CM#1 then reported the following incident. CM#1 said she and NE#1 were undergoing a “nasty” divorce. CM#1 said, per their divorce agreement, no items were to be removed from their home, but NE#1 took her items for a camping trip. CM#1 said she confronted NE#1 about those items, and then she hopped onto the passenger side running board of NE#1’s vehicle. CM#1 said NE#1 shouted at her and “jerked” the vehicle forward to try to dislodge her, causing her to lose balance and fall. CM#1 said NE#1 then drove over her foot. CM#1 said NE#1 stated, “I didn’t run over your fucking foot,” followed by, “I’d ask you if you need my help, but I already know the answer.” CM#1 said NE#1 then drove away. CM#1 said her neighbors observed the incident. CM#1 showed the deputies a video recorded on her phone, which depicted her on the ground beside NE#1’s vehicle and demanding the return of her items. The video appeared to have been recorded after CM#1’s foot was run over. A deputy asked whether CM#1 believed NE#1 had “intentionally” driven over her foot, to which she replied, “I don’t think his mindset was to run over my specific body part – my foot. He wanted to get me off the vehicle.”

C. Ring Video

A Ring video captured the driver side of NE#1’s vehicle, which was parked on a road beside a sidewalk. NE#1 entered his vehicle and started the engine around the same time CM#1 approached the passenger side and stood on the running board, as indicated by her head rising above the vehicle’s roof. NE#1 then drove forward slowly for several feet before coming to a stop. CM#1 demanded her items. The Ring video then shifted to the next scene, which began with NE#1’s vehicle positioned further away from where it had been stopped in the previous scene.¹ CM#1, who was obscured due to NE#1’s vehicle, accused NE#1 of running over her foot, while NE#1 appeared to be skeptical. NE#1 exited his vehicle, approached CM#1, and stated, “You’re right on my car.” The Ring video then shifted to the next scene, which showed CM#1 at the rear of NE#1’s vehicle, identifying her items, and demanding their return. Other Ring videos showed community members—presumably neighbors—at the scene, NE#1 and CM#1 arguing, and NE#1 removing items from his vehicle and placing them at their home.

D. Pierce County Sheriff’s Office (PCSO) Interview

On February 5, 2025, a PCSO detective interviewed Community Member #2 (CM#2), who identified herself as CM#1’s neighbor and friend. CM#2 said she did not observe NE#1 driving over CM#1’s foot but heard them arguing. CM#2 believed CM#1 was trying to prevent NE#1 from leaving. CM#2 believed NE#1 insincerely offered to help CM#1 before driving away. CM#2 said she called 911, but the medics declined to respond because they did not consider CM#1’s injury to be life-threatening. CM#2 said she had no video footage of the incident.

E. Pierce County Prosecuting Attorney’s Office (PCPAO) Law Enforcement Memo

A memorandum, dated March 17, 2025, stated that PCPAO declined to file charges against NE#1. The memo stated that after reviewing all available evidence, PCPAO considered charges for second-degree assault, third-degree assault, fourth-degree assault, and vehicular assault but ultimately concluded that it would not be able to prove criminal intent beyond a reasonable doubt at trial.

¹ Due to the Ring video advancing to the next scene, it did not capture NE#1’s vehicle running over CM#1’s foot.



F. OPA Interviews

Community Member #1

On April 2, 2025, OPA interviewed CM#1. CM#1 repeatedly insisted that NE#1 “did not mean to do it.” CM#1 clarified, “[NE#1] did not mean to run over my foot.” CM#1 described the incident as “stupid” and stated that she “should not have grabbed onto the car.” CM#1 believed NE#1 is a “good” officer. CM#1 said she did not want NE#1 to lose his job and clarified that these comments were not made to protect him.

Named Employee #1

On June 12, 2025, OPA interviewed NE#1. NE#1 said he packed camping gear for a trip and was preparing to leave when CM#1 returned home and began arguing with him. NE#1 said he walked away to avoid a confrontation with CM#1, but she climbed onto the passenger side running board of his vehicle and pulled the door handle. NE#1 said he repeatedly told CM#1 to dismount from his vehicle, but she refused, shouted at him, and continually tried to open the door. NE#1 said he started the ignition, thinking this act would encourage CM#1 to dismount, but she persisted. NE#1 said CM#1 looked into her purse, which was secured around her chest, and dismounted. NE#1 said he then gave his vehicle “a little bit of gas.” NE#1 speculated that CM#1 might have clung to the door handle as she dismounted. NE#1 observed that his vehicle had poor visibility, describing it as among the worst, but believed CM#1 was completely detached from his vehicle at that moment. NE#1 said he intended to remove himself from the situation, so he applied “more gas” to his vehicle, at which point CM#1 screamed in a manner suggesting something went wrong. NE#1 said he stopped and exited his vehicle, at which point CM#1 claimed that NE#1 ran over her foot. NE#1 said he initially dismissed CM#1’s claim because he thought she was fully detached from his vehicle when he accelerated slightly, but he believed her upon seeing her in pain.

NE#1 said CM#1 limped to the sidewalk while continuing to argue with him. NE#1 said CM#1 declined his offer to take her to the hospital. NE#1 said he removed several items from his vehicle to de-escalate the situation. NE#1 said a neighbor came to assist CM#1, so he departed and called 911 to report the incident. NE#1 said he did not remain at the scene due to his planned camping trip but informed PCSO that he would be reachable by phone.

NE#1 maintained the following:

I did not break any laws. There was never any intent to cause anybody any harm. I didn’t drive the vehicle in a reckless manner that would cause anyone harm, intentionally or even negligently. I was trying to remove myself from what potentially could have been a dangerous situation, and I did so when I thought it was safe to do so.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

NE#1 allegedly assaulted CM#1 when he drove over her foot.

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



OPA finds that NE#1 did not commit a crime, even when evaluating the evidence under the lower preponderance of the evidence standard governing OPA's administrative investigations, as opposed to the more stringent beyond a reasonable doubt standard governing criminal investigations.

First, there was insufficient evidence indicating intentionality. Both NE#1 and CM#1 characterized the incident as accidental. CM#1 specifically reported to the PCSO deputies, "I don't think his mindset was to run over my specific body part – my foot. He wanted to get me off the vehicle." The Ring video also partially corroborated their accounts. It showed NE#1 trying to leave while CM#1 was attempting to prevent his departure and repeatedly demanding the return of her items. NE#1's initial acceleration was slow while CM#1 was on the running board, indicating that he lacked the intent to injure her in any way. The totality of these facts strongly indicated that NE#1 intended to leave, rather than to drive over CM#1's foot. Given the lack of criminal intent, NE#1 could not have committed second-degree assault (RCW 9A.36.021) or fourth-degree assault (RCW 9A.36.041)—both of which, under these specific circumstances, require an intentional touching, with unlawful force, that is harmful or offensive. See Washington Pattern Jury Instructions 35.50 (Assault—Definition).

Second, there was insufficient evidence indicating substantial bodily harm. Although CM#1 sustained bruising and swelling, she reported that nothing was broken. No additional injuries were reported later that would meet the definition for substantial bodily harm. See RCW 9A.04.110(4)(b) (defining "substantial bodily harm" as a bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part). Given the lack of substantial bodily harm, NE#1 could not have committed vehicular assault (RCW 46.61.522).

Third, there was insufficient evidence indicating criminal negligence. Although NE#1 started his ignition and gradually moved forward with CM#1 on the running board, he immediately stopped, seemingly realizing that CM#1 was unwilling to dismount. NE#1 slowly accelerated again once he believed CM#1 had fully detached from his vehicle, although his perception might have been impaired due to the purported poor visibility from his vehicle. The reasons for NE#1's departure were also relevant considerations. NE#1 had a planned camping trip and sought to disengage from CM#1, while CM#1 seemingly sought a confrontation and attempted to prevent his departure. Considering NE#1's reasonable belief that CM#1 had fully dismounted and his motivations for attempting to leave, NE#1's conduct could not be construed as criminal negligence. See RCW 9A.08.010(1)(d) (defining "criminal negligence" as a person who fails to be aware of a substantial risk that a wrongful act may occur and the person's failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation). Given the lack of criminal negligence, NE#1 could not have committed third-degree assault (RCW 46.36.031(1)(d) and (f)).

Accordingly, OPA finds misconduct did not occur as alleged and recommends a finding of Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**



Named Employee #1 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

NE#1 allegedly undermined public trust in the Department and himself based on his conduct.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.*

OPA finds this allegation to be unfounded as misconduct did not occur as alleged. The facts are undisputed—NE#1 attempted to leave for a camping trip, while CM#1 attempted to obstruct him by clinging to his vehicle and repeatedly demanding the return of her items. A preponderance of the evidence demonstrated NE#1 unintentionally ran over CM#1’s foot. NE#1 then offered to transport CM#1 to a hospital and unloaded items from his vehicle to de-escalate the situation. NE#1 also contacted PCSO in case deputies needed to contact him for their investigation. Overall, OPA finds that NE#1 did not undermine public trust in the Department and himself based on his conduct.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**