



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 15, 2025

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

CASE NUMBER: 2024OPA-0444

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.410 – Domestic Violence Investigation, 15.410-POL-2. Officers Make Arrests with Probable Cause	Not Sustained - Lawful and Proper (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 #2

Allegation(s):		Director's Findings
# 1	15.410 – Domestic Violence Investigation, 15.410-POL-2. Officers Make Arrests with Probable Cause	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	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 and NE#2) responded to a domestic violence (DV) call involving Community Member #1 (CM#1), who had reportedly shoved Community member #2 (CM#2). The named employees had previously responded to the same location about six hours earlier, where CM#1 reportedly punched CM#2's head. The Complainant—CM#2's sister—alleged that the named employees unlawfully arrested CM#1 and did so based on racial bias.

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

On January 9, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the incident report and body-worn video (BWV). OPA also interviewed the Complainant via email.



According to NE#1's incident report, on November 22, 2024, the named employees responded to an apartment, where CM#2 reported that CM#1 punched her head before leaving the area. The report indicated that the named employees established probable cause to arrest CM#1 for DV assault and noted several previous alleged assaults attributed to CM#1. On November 23, 2024, BWV captured the named employees returning to the apartment in response to another DV assault call. The named employees arrested CM#1 at the entrance, where the Complainant was also present but visibly upset, claiming that no assault had occurred. She also claimed that the named employees unlawfully arrested CM#1, which she alleged was racially motivated. CM#1 denied assaulting CM#2, claiming that CM#2 had assaulted him. CM#2 reported that following CM#1's return to the apartment, they engaged in another dispute during which he shoved her.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

15.410 – Domestic Violence Investigation, 15.410-POL-2. Officers Make Arrests with Probable Cause

The Complainant alleged that the named employees unlawfully arrested CM#1.

An officer must arrest a person without a warrant when the officer has probable cause to believe the person is age 18 or older and assaulted a family or household member within the preceding four hours, and the officer believes a felonious assault occurred, an assault occurred resulting in bodily injury to the victim (whether visible or not), or any physical action occurred intending to cause another person reasonably to fear imminent serious bodily injury or death. SPD Policy 15.410-POL-2. When the officer has probable cause to believe family or household members assaulted each other, the officer does not have to arrest both people. *Id.* The officer must arrest the person whom the officer believes to be the primary physical aggressor, considering that the primary physical aggressor is not always the person who struck first, the intent to protect DV victims, the comparative extent of injuries inflicted or serious threats creating fear of physical injury, and the DV history of each person involved, including whether the conduct was part of an ongoing pattern of abuse. *Id.*

The named employees established sufficient probable cause to arrest CM#1 for DV assault when they initially responded to the apartment on November 22, 2024. During the investigation, the Complainant seemingly corroborated CM#2's account by prompting CM#2 to report the assault, which CM#2 subsequently did. Although the named employees' second visit to the apartment occurred beyond the four-hour window mandating a DV arrest, the probable cause established during their first response did not dissipate. Thus, CM#1's arrest at the apartment entrance was lawful and proper under the circumstances.

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

Recommended Finding: **Not Sustained – Lawful and Proper (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 were racially biased against CM#1.

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

OPA found no evidence supporting the Complainant’s interpretation of race-based mistreatment. The named employees interviewed the relevant parties, evaluated them for any injuries, and reviewed their DV history. Their decision to arrest CM#1 was predicated on the evidence gathered, not racial bias.

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

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

Named Employee #2 – Allegation #1

15.410 – Domestic Violence Investigation, 15.410-POL-2. Officers Make Arrests with Probable Cause

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

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