



CLOSED CASE SUMMARY

ISSUED DATE: MAY 19, 2025

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

CASE NUMBER: 2024OPA-0446

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	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	Not Sustained - Unfounded (Expedited)
# 3	6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to ...	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

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, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to ...	Not Sustained - Lawful and Proper (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)
# 2	6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to ...	Not Sustained - Lawful and Proper (Expedited)

Named Employee #4

Allegation(s):		Director's Findings
# 1	8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized	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. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to ...	Not Sustained - Lawful and Proper (Expedited)

Named Employee #5



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	5.001 – Standards and Duties, 5.001-POL-7. Employees Engaged in Department-Related Activities Identify Themselves When Requested	Not Sustained - Unfounded (Expedited)

Named Employee #6

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, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to ...	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 November 3, 2024, the named employees (NE#1, NE#2, NE#4, and NE#6) arrested the Complainant for trespassing at Lumen Field. The Complainant alleged that the named employees were racially biased toward him and lacked probable cause for the arrest. The Complainant also alleged that NE#1 and NE#4 used unauthorized force by colliding with him while riding their police bicycles.

On November 24, 2024, the named employees (NE#3, NE#4, NE#5, and NE#6) arrested the Complainant for trespassing at Lumen Field again. The Complainant alleged that the named employees were racially biased toward him and lacked probable cause for the arrest. The Complainant also alleged that NE#5 refused to provide his name and badge number upon request.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#5 hit a phone out of the Complainant's hand. OPA sent NE#5's potential violation of SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) 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 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 February 14, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

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).



SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident reports, and related OPA investigations. OPA also interviewed the Complainant.

November 3, 2024

On November 3, 2024, "Trespass" was coded into CAD. BWV captured the named employees (NE#1, NE#2, NE#4, and NE#6) riding police bicycles when they observed the Complainant beside a ticket window at Lumen Field.² NE#1 and NE#4 handcuffed the Complainant, with NE#1 informing him of his arrest for trespassing, a claim he refuted. NE#1 searched the Complainant, while NE#4 Mirandized him. NE#6 mentioned the Complainant's trespass status to a security employee, who confirmed the Complainant's history of aggressive interactions with patrons over several years. The Complainant insisted that Lumen Field was not private property. NE#1 escorted the Complainant to a police van for transport. NE#2 screened the arrest.

November 24, 2024

On November 24, 2024, "Trespass" was coded into CAD. BWV captured the named employees (NE#3, NE#4, NE#5, and NE#6) beside Lumen Field informing street preachers about the property lines of Lumen Field. The Complainant approached the scene and was told that he would be arrested for trespassing if he did not leave the area. The Complainant remained, requested NE#5's badge number, and moved closer to NE#5, who was preparing to ride his police bicycle. NE#5 pushed the Complainant away, after which NE#3, NE#4, and NE#5 handcuffed him. NE#6 screened the arrest. NE#5 justified the push by stating that the Complainant invaded his space. NE#6 told the Complainant that he was arrested for trespassing, a claim he refuted. NE#3 and NE#5 escorted the Complainant to the front of a patrol vehicle, where he was searched. After the Complainant was Mirandized, he was placed in a police van for transport.

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 the named employees were racially biased toward him.

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 to show that any named employee exhibited racial bias toward the Complainant during both November incidents. Rather, the evidence showed that the named employees' actions were motivated by the Complainant repeatedly trespassing on Lumen Field property. Furthermore, the named employees provided the Complainant with the opportunity to voluntarily comply, as arrest warnings preceded the arrest.

² NE#1's incident report stated that NE#2 had previously cautioned the Complainant against returning to Lumen Field, as he "had been trespassed by staff every year for the past number of years."



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

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

Named Employee #1 – Allegation #2

8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized

The Complainant alleged that NE#1 and NE#4 used unauthorized force by hitting him with their police bicycles.

Sworn employees will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation to achieve a law enforcement objective while protecting the life and safety of all people. SPD Policy 8.200(1). Reasonableness must consider that sworn employees are often forced to make split-second decisions about the amount of force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the sworn employee's actions were objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Id.* Several factors should be weighed when evaluating reasonableness. *See id.* Force is necessary under the totality of the circumstances when there is no reasonably effective alternative to using physical or deadly force, and the type and amount of physical or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the sworn employee or others. SPD Policy 8.050. Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to sworn employees and others. *Id.* Sworn employees must rely on training, experience, and their assessment of the situation to decide an appropriate level of force. *Id.*

This allegation is unfounded. NE#1 and NE#4 did not collide into the Complainant. Instead, they approached him on their police bicycles, dismounted, and handcuffed him. Any force applied during the November 3 incident, including handcuffing and escorting, was *de minimis*.

Accordingly, OPA recommends that 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. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

The Complainant alleged that the named employees lacked probable cause for his arrest.

Sworn employees must have probable cause that a subject committed a crime before executing 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 a sworn employee'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 named employees had sufficient probable cause to arrest the Complainant during both incidents. Lumen Field staff trespassed the Complainant, who was repeatedly informed about Lumen Field's property lines and warned to



leave. In both incidents, the Complainant was located within the property lines, justifying his arrest. The Complainant's incorrect statements that Lumen Field is not private property did not negate probable cause.

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

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

Named Employee #2 – 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 #1, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #2 – Allegation #2

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained – Lawful and Proper (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 #1, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #2

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #4 – Allegation #1

8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized



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

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

Named Employee #4 – 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 #1, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #4 – Allegation #3

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #5 – 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 #1, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #5 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-7. Employees Engaged in Department-Related Activities Identify Themselves When Requested

The Complainant alleged that NE#5 refused to provide his name and badge number upon request.

SPD employees must provide their name and department serial number verbally or in writing, if requested. SPD Policy 5.001-POL-7. SPD employees may use a department-issued business card containing their name and serial number to satisfy the request for information. *Id.* SPD employees must also show their department identification card and badge (for sworn employees) when specifically requested to do so. *Id.*

This allegation is unfounded, the Complainant received the officers' names and badge numbers following his arrest.

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



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

Named Employee #6 – 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 #1, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #6 – Allegation #2

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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