



## CLOSED CASE SUMMARY

ISSUED DATE: MAY 14, 2025

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

CASE NUMBER: 2024OPA-0457

### 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	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 - Training Referral
# 3	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	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)

#### 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)

***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 a road rage incident involving an assault and subsequently arrested the Complainant. The Complainant alleged the named employees favored Community Member #1 (CM#1) and were racially biased against him, NE#1 failed to Mirandize him, and NE#1 conducted an unthorough investigation.



---

**ADMINISTRATIVE NOTE:**

NE#3 allegedly failed to consider alternatives to impounding the Complainant's vehicle. See SPD Policy 6.120-POL-1 (Sworn Employees Consider Alternatives to Impound). OPA processed this as an "FYI" Supervisor Action.<sup>1</sup>

The bias and unthorough investigation allegations against the named employees were 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 with respect to those allegations. As such, OPA did not interview NE#1 about those allegations in this case. OPA also did not interview NE#2, NE#3, and NE#4 in this case. On January 14, 2025, OIG certified OPA's expedited investigation as thorough, timely, and objective.

The *Miranda* allegation against NE#1 underwent a full investigation. On April 8, 2025, OIG certified OPA's full investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

On December 6, 2024, OPA interviewed the Complainant. He recounted an incident where he was following another vehicle when a confrontation ensued. He said he struck the other vehicle's taillights with a bat, after which CM#1 came after him with a knife. He said he swung his bat at CM#1, who then stabbed him. He alleged that officers were racially biased against him, failed to Mirandize him until he reached a hospital, and conducted an unthorough investigation.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), security video, dashcam video, incident and supplement reports, photographs, and CM#1's interview statements.<sup>2</sup> In addition to the Complainant's interview, OPA also interviewed NE#1.

On October 29, 2024, at 8:21 AM, CAD call remarks noted, "3 SUBJ[ECT]S PHYSICALLY FIGHTING ONE HAS A BASEBALL BAT, NO OTHER [WEAPONS] SEEN." At 8:22 AM, CAD provided the following update: "BASEBALL BAT WAS USED AGAINST A VEH[ICLE]. ONE PERSON ON THE GROUND AND THE OTHER IS PUNCHING HIM."

BWV captured the named employees responding to the incident location. CM#1 was restraining the Complainant when NE#2 arrived. Both parties were covered in blood. NE#2 separated the parties and interviewed CM#1. CM#1 reported that he was the passenger while his girlfriend (Girlfriend #1) was driving when the Complainant became aggressive, believing that Girlfriend #1 had cut him off. CM#1 said the Complainant followed them until they reached a red light, at which point the Complainant approached and struck Girlfriend #1's taillight with a bat. CM#1 said he confronted the Complainant, leading to a physical altercation during which the Complainant struck his face with the bat and drew a knife.<sup>3</sup> CM#1 said he managed to disarm the Complainant, discard the knife, mount him, and punch him. CM#1 said he secured one of the Complainant's wrists with a plastic handcuff.

---

<sup>1</sup> An "FYI" Supervisor Action involves a complaint deemed unfounded through the intake investigation that does not meet the criteria to be closed as a Contact Log. See OPA Internal Operations and Training Manual section 5.4(B)(ii).

<sup>2</sup> NE#4, a detective, interviewed CM#1 on October 30, 2024. CM#1's statements were consistent with those provided at the scene.

<sup>3</sup> Photographs showed CM#1 had a split and bloodied lip.



NE#3 interviewed the Complainant. He reported that he followed Girlfriend #1 after she cut him off in traffic, but then someone threw a drink at him, which incited his anger. He said he followed the vehicle until it stopped at a red light, at which point he struck the taillight of Girlfriend #1's vehicle with a bat. He claimed that CM#1 confronted him wielding a knife, so he struck CM#1's arm to deflect the knife. He claimed that CM#1 slashed his forehead with the knife<sup>4</sup> and that a struggle ensued, resulting in CM#1 wrestling him to the ground. He claimed his actions were in self-defense.

While the Seattle Fire Department evaluated both parties, backing officers interviewed multiple witnesses. They reported that the Complainant exited his vehicle, brandished a bat and a knife, and initiated the assault. Following a discussion among the officers about the incident, they agreed to arrest the Complainant. The Complainant was secured on a gurney and transported to a hospital. He was neither handcuffed nor Mirandized at the scene.

A security video and Girlfriend #1's dashcam video captured the Complainant striking Girlfriend #1's taillight with a bat and attempting to swing it at CM#1. Subsequently, CM#1 and the Complainant fought.

On February 21, 2025, OPA conducted an interview with NE#1, who identified himself as the primary officer present at the scene. He stated that he did not engage with the Complainant or CM#1. He established probable cause for second-degree assault based on information obtained from witnesses and other officers who had interviewed the involved individuals. He clarified that he did not accompany the Complainant during the transport to the hospital but instructed other officers to arrest the Complainant and ensure his transport. He noted that the Complainant was read his Miranda rights at the hospital by a different officer, although he recognized that the Complainant should have been Mirandized while on the gurney at the scene. He admitted that he failed to Mirandize the Complainant himself and did not direct another officer to do so, as he presumed that an officer would have already performed this action at the scene.

#### **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 against 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.

This allegation is unfounded. The named employees' decision to arrest the Complainant was predicated on statements from both parties, statements from Girlfriend #1 and multiple witnesses, and physical evidence at the scene, including injuries sustained by both parties, a bat, and a knife. Multiple witnesses corroborated CM#1's and Girlfriend #1's account, which identified the Complainant as the instigator who introduced a knife into the altercation. Fighting, wrestling, and contact with other vehicles and the ground, along with the presence of a knife, could have explained

---

<sup>4</sup> Photographs showed a laceration on the Complainant's forehead.



the Complainant's lacerated forehead. It did not necessarily suggest that CM#1 was responsible for introducing a knife into the altercation. Furthermore, the named employees later viewed footage from a nearby security video and Girlfriend #1's dashcam video—both of which reinforced their probable cause determination. Overall, OPA finds that the named employees arrested the Complainant based on probable cause for assault, not racial bias.

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

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

**Named Employee #1 – 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#1 failed to Mirandize him.

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.*

Although the Complainant was accurate in stating that he was not Mirandized at the scene, he was eventually Mirandized at the hospital. Probable cause for the assault was established at the scene following witness interviews, which meant that the Complainant should have been Mirandized there, as NE#1 acknowledged. However, NE#1 was overseeing the investigation and did not interact with the Complainant, which may have led him to believe that another officer had already Mirandized him. OPA does not find misconduct under these circumstances but believes a training referral is warranted. As the primary officer on scene, NE#1 should have ensured that any individual under arrest be Mirandized “as soon as practical.”

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

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 6.150-POL-1(1) with him, and provide any other retraining and counseling it deems necessary. This retraining and counseling should emphasize the importance of ensuring timely *Miranda* advisements. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

**Named Employee #1 – Allegation #3**

***15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

The Complainant alleged that NE#1 conducted an unthorough investigation.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*



The evidence NE#1 collected for his investigation was described in Named Employee #1 – Allegation #1. The totality of the evidence reflected a thorough investigation, as NE#1 collected the most common physical evidence associated with assault incidents.

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

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