



CLOSED CASE SUMMARY

ISSUED DATE: MAY 28, 2025

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

CASE NUMBER: 2024OPA-0468

Allegations of Misconduct & Director's Findings

Named Employee #1

| Allegation(s): | | Director's Findings |
|----------------|--|---|
| # 1 | 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 | Not Sustained - Lawful and Proper (Expedited) |

Named Employee #2

| Allegation(s): | | Director's Findings |
|----------------|--|---|
| # 1 | 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 | 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 named employees (NE#1 and NE#2) responded to an alleyway and arrested the Complainant for domestic violence (DV) assault and a hate crime offense. The Complainant alleged that the named employees lacked probable cause for the arrest.

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 31, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA was unable to reach the Complainant for an interview.

On December 20, 2024, CAD call remarks noted a male on the ground bleeding and being kicked by a female. BWV captured the named employees responding to an alleyway, where the Complainant and Community



Member #1 (CM#1), who was using a walker, were located.¹ The named employees handcuffed the Complainant, who denied any wrongdoing. CM#1 had bloodied knuckles and blood on his forehead. Two witnesses—a nearby building employee and security guard—told NE#2 that they observed the Complainant kicking CM#1 several times while CM#1 was on the ground. One witness recounted that as she approached to investigate the disturbance in the alleyway, prompted by a noise complaint, the Complainant threatened to assault her and directed racial slurs at her. The witness said she felt threatened by the Complainant's insults and threats. NE#1 photographed CM#1's injuries.

NE#2's incident report concluded, "Based on the information gathered from the [reporting parties] and victim as well as evidence witnessed with the injuries to [CM#1]. [Probable cause] for DV assault 2 due to the heavy blows to [CM#1's] head and body being unable to defend himself and hate crime offense for [the Complainant] threatening [the witness] based on her protected class."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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 her 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 Complainant's arrest was supported by probable cause. Two independent witnesses reported consistent accounts, identifying the Complainant as the individual who assaulted CM#1. These statements were consistent with the injuries sustained by CM#1, who had blood on his knuckles and forehead. CM#1 used a walker for mobility, while the Complainant displayed no injuries, strongly indicating that the Complainant was the primary—if not the sole—aggressor. Moreover, one witness reported that the Complainant threatened to assault her and directed racial slurs at her. Thus, the named employees had probable cause to arrest the Complainant for DV assault (RCW 9A.36.021) and a hate crime offense (RCW 9A.36.080).

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

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

¹ According to NE#2's incident report, the Complainant and CM#1 have been in a domestic relationship for about three years and have an extensive history of being investigated for DV.



Named Employee #2 – Allegation #1

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

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