



## **CLOSED CASE SUMMARY**

ISSUED DATE: JUNE 10, 2025

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

CASE NUMBER: 2025OPA-0032

### **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)
# 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:**

Named Employee #1 (NE#1) responded to a motor vehicle collision involving the Complainant, who was subsequently arrested for driving under the influence (DUI). The Complainant alleged that NE#1 lacked probable cause for the arrest and exhibited bias based on race or religion.

### **ADMINISTRATIVE NOTE:**

During its intake investigation, OPA identified NE#1 failing to notify the Complainant that he was being recorded and failing to ask whether the Complainant needed a translator. OPA sent NE#1's potential violations of SPD Policy 16.090-POL-2(1) (Notification of Recording) and SPD Policy 15.250 (Interpreters and Translators) to his chain of command for Supervisor Action.<sup>1</sup>

On March 19, 2025, the Office of Inspector General certified OPA's investigation as thorough and timely but unobjective, writing OPA's questioning of the Complainant was "investigative in nature." OPA respectfully disagrees that the investigation was unobjective, as the manner of questioning was intended to elicit information relevant to the allegations. Even if some questions were "investigative in nature" they did not impact the overall objectivity of OPA's investigation, which obtained all necessary evidence to investigate the allegations.

### **SUMMARY OF INVESTIGATION:**

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), incident report, and King County Office of Law Enforcement Oversight records. OPA also interviewed the Complainant.

<sup>1</sup> 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).



On August 5, 2024, CAD call remarks noted a vehicle that had struck a fire hydrant and was blocking a lane. BWV captured NE#1 responding to a street, where the Complainant's vehicle was parked, with a detached fire hydrant was nearby. The Complainant claimed that another vehicle had struck his vehicle. After NE#1 examined the vehicle and the fire hydrant, he told the Complainant that the yellow paint from the fire hydrant matched the yellow paint on his vehicle. The Complainant denied consuming drugs or alcohol but consented to undergo standardized field sobriety tests (SFSTs). Following the SFSTs, NE#1 arrested the Complainant.

NE#1's incident report stated that the Complainant was swaying and exhibited watery eyes. NE#1 wrote that there was no damage to the Complainant's vehicle that would suggest it had been struck by another vehicle, contradicting the Complainant's claim. NE#1 documented the SFSTs he administered and found signs of impairment in each test. NE#1 also noted a records check showing that the Complainant had a DUI warrant and that his license was suspended.

#### **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 NE#1 lacked probable cause to arrest him.

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).

NE#1 had probable cause to arrest the Complainant for DUI, an outstanding warrant, and driving with a suspended license. The arrest for DUI was supported by NE#1's physical observations of the Complainant (swaying and watery eyes) and the Complainant's performance on the SFSTs—all of which indicated signs of impairment. Moreover, there was no evidence to support the Complainant's claim that another vehicle had struck his vehicle. Rather, the yellow paint on his vehicle was consistent with the yellow paint from the detached fire hydrant, suggesting he had struck it. The arrest was also supported by either the outstanding warrant or the Complainant's license suspension—both of which were verified through a records check.

Accordingly, OPA recommends that 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 NE#1 exhibited racial bias.

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



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Policy 5.140-POL. It includes different treatment based on race or religion. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. *See* SPD Policy 5.140-POL-2.

Contrary to the Complainant's allegation, NE#1 did not refer to the Complainant as Hindu or Indian. There was no evidence suggesting any bias against the Complainant. Rather, NE#1's investigation into a collision evolved into a DUI investigation upon observing signs of impairment, prompting him to administer SFSTs. Following these tests, NE#1 developed probable cause to arrest the Complainant for DUI.

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

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