



CLOSED CASE SUMMARY

ISSUED DATE: JULY 7, 2025

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

CASE NUMBER: 2025OPA-0037

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 ...	Not Sustained - Lawful and Proper (Expedited)
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 3	8.200 – Using Force, 8.200-POL-2. Using Force: When Prohibited	Not Sustained - Unfounded (Expedited)
# 4	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Training Referral

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 ...	Not Sustained - Lawful and Proper (Expedited)
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 3	5.001 – Standards and Duties, 5.001-POL-7. Employees Engaged in Department-Related Activities Identify Themselves ...	Not Sustained - Unfounded (Expedited)
# 4	8.200 – Using Force, 8.200-POL-2. Using Force: When Prohibited	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) suspected a motorized scooter was stolen and subsequently arrested Community Member #1 (CM#1) after NE#2 performed a records check on him. The Complainant—CM#1's partner who was with CM#1 at the time—alleged the named employees lacked probable cause for the arrest, acted unprofessionally by being aggressive, and assaulted CM#1 at King County Jail (KCJ). It was also alleged NE#2 failed to provide his badge number on request, and NE#1 unlawfully searched the seat compartment of the scooter.



ADMINISTRATIVE NOTE:

All allegations against the named employees—except for the search allegation against NE#1—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 about those allegations. As such, OPA did not interview NE#2 in this case. On April 14, 2025, OIG certified OPA's expedited investigation as thorough, timely, and objective. The search allegation against NE#1 underwent a full investigation.

On June 10, 2025, OIG certified OPA's full 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), in-car video, KCJ security video, and incident report. OPA also interviewed the Complainant, CM#1, and NE#1.

On February 3, 2025, at 10:01 PM, "Traffic Stop – Officer Initiated Onview" was coded into CAD. BWV captured the named employees contacting CM#1, who was wearing a motorcycle helmet, and the Complainant—both of whom were beside a motorized scooter at a gas station. The named employees explained that the scooter did not display a license plate, had an expired temporary tag affixed to its rear, and had loose wires near the ignition, suggesting it might be stolen. CM#1 claimed he purchased it from Lincoln Towing but was unable to produce any documentation, including insurance or registration. The named employees externally examined the scooter but were unable to locate its vehicle identification number (VIN). CM#1 claimed the VIN was on the scooter's neck and frame. During NE#1's examination, NE#1 lifted the seat and rearranged the items inside.



The above image was taken from NE#2's BWV. CM#1 is on the left, NE#1 is in the center lifting the seat compartment, and the Complainant is on the right. CM#1's helmet is on the hood of the patrol vehicle.

After NE#2 ran CM#1's information, NE#2 explained that CM#1's license was revoked in the first degree, CM#1 had an outstanding warrant from Florida for motor vehicle theft, and CM#1 was required to have an ignition interlock device affixed to the scooter. The named employees handcuffed CM#1, who was subsequently Mirandized.



CM#1 initially denied operating the scooter, while the Complainant claimed the scooter belonged to her. However, CM#1 later admitted the scooter belonged to him. The Complainant swore at the named employees for arresting CM#1. NE#2 provided his badge number to the Complainant upon her request. The named employees told the Complainant that she was free to leave.

The named employees transported CM#1 to KCJ. KCJ security video captured the named employees escorting CM#1 within the jail without physically contacting him.

On May 9, 2025, OPA interviewed NE#1. He said he examined the scooter because he and NE#2 were unable to locate the VIN, despite checking the areas where CM#1 indicated the VIN might be found. He said he lifted the scooter's seat to determine whether the VIN was inside, similar to how it is typically found in the doorway of a vehicle. He denied searching for anything else. He said his purpose was to corroborate CM#1's claim that the scooter belonged to him.

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 to arrest CM#1.

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 probable cause to arrest CM#1 for either operating a motor vehicle with a revoked license or failing to have an ignition interlock device affixed to the scooter. Upon contact, CM#1 was wearing a motorcycle helmet, while the Complainant did not, indicating that CM#1 operated the scooter. CM#1 later admitted to operating the scooter, which lacked an ignition interlock device. Either of these independent grounds justified CM#1's arrest.

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

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that the named employees acted unprofessionally by being aggressive.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* Employees will avoid unnecessary escalation of events, even if those events do not end in reportable uses of force. *Id.*



Any time employees represent the Department or identify themselves as police officers or SPD employees, they will not use profanity as an insult or any derogatory, contemptuous, or disrespectful language toward anyone. *Id.*

OPA's review of BWV showed no indications of unprofessional conduct directed at either CM#1 or the Complainant. The named employees did not ridicule either party or show aggression. The named employees courteously explained the reasons for their investigation and even attempted de-escalation by advising the Complainant to leave. Despite the Complainant's outbursts, the named employees did not respond in kind.

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

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

Named Employee #1 – Allegation #3

8.200 – Using Force, 8.200-POL-2. Using Force: When Prohibited

The Complainant alleged that the named employees applied prohibited force by assaulting CM#1 at KCJ.

Sworn officers are prohibited from using force under certain circumstances. SPD Policy 8.200-POL-2. Among other things, sworn officers will not use reportable force on restrained people unless it is reasonable, necessary, and proportional to protect a sworn employee, the subject, or member of the public from physical injury. *Id.*

This allegation is unfounded. KCJ security video captured the named employees escorting CM#1 within the jail without physically contacting him.

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

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

Named Employee #1 – Allegation #4

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

OPA alleged that NE#1 unlawfully searched the seat compartment of the scooter.

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1).

There did not appear to be a lawful basis for NE#1 to search the seat compartment of the scooter. However, the circumstances in this situation mitigated the likely unlawfulness of the search. NE#1 was attempting to locate the VIN, which is generally visible in plain sight. NE#1 likened the scooter's seat compartment to a vehicle's doorway, where the VIN is typically located. NE#1 also examined the areas where CM#1 indicated the VIN might be located, which may imply that he had CM#1's consent to search the scooter. Finally, the search was brief and minimally invasive, aimed solely at finding the VIN. NE#1 only lifted the seat after other lawful attempts to find the VIN in different locations on the scooter had been exhausted. Moreover, while the Washington Supreme Court has noted, "the location of the VIN can have a significant effect on an individual's privacy interest, holding an individual has only a limited expectation of privacy where a VIN is on the exterior or "plainly visible" on the vehicle, but has a "fully protected" privacy interest



where the VIN is on the “interior of a closed, locked door.” *Cf. State v. Simpson*, 95 Wash.2d 170, 184-88, 622 P.2d 1199 (1980) (en banc). The Court analyzed the privacy interest for a VIN “hidden from public view on some interior portion of the vehicle” by considering the (i) mobility of the vehicle, (ii) degree of privacy expectation in the area of the vehicle where the VIN is located, and (iii) limited privacy interest in the number itself. *Id.* Here, the issue concerns a scooter, not a car, and NE#1 searched for the VIN by lifting an apparently unlocked seat—not a locked door or trunk. Given the totality of the circumstances, OPA finds a potential, but not willful, violation that does not amount to serious misconduct. As NE#1 has no prior search violations on his record, OPA believes a training referral is warranted.

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

- **Required Training:** NE#1’s chain of command should discuss OPA’s findings with him, review SPD Policy 6.180(1) with him, and provide any other retraining and counseling it deems necessary. This retraining and counseling should include a discussion on circumstances in which a warrantless search is permissible. Any retraining and counseling should be documented and maintained in Blue Team.

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

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)**

Named Employee #2 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

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 #2 – Allegation #3

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

The Complainant alleged that NE#2 failed to provide his badge number upon request.

Employees engaged in department-related activities must identify themselves if requested. SPD Policy 5.001-POL-7.

This allegation is unfounded. BWV captured NE#2 providing his badge number to the Complainant upon request.

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



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

Named Employee #2 – Allegation #4

8.200 – Using Force, 8.200-POL-2. Using Force: When Prohibited

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

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