



CLOSED CASE SUMMARY

ISSUED DATE: JULY 16, 2025

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

CASE NUMBER: 2025OPA-0045

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)

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 Complainant alleged that Named Employee #1 (NE#1) lacked probable cause to arrest him for driving under the influence (DUI) related to narcotics.

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 a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On March 7, 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. The Complainant declined OPA's request for an interview.

According to CAD and BWV records, SPD officers, including NE#1, arrived at a gas station on February 4, 2025, to investigate a 911 call involving threats. Upon NE#1's arrival, the Complainant drove his vehicle to a gas pump. During the investigation, NE#1 observed the Complainant speaking rapidly, exhibiting rapid body movements, and having constricted and pinpoint eyes.¹ With the Complainant's consent, NE#1 aimed his flashlight at the Complainant's eyes and observed that they "would not react to light stimulus and remained constricted." A backing officer administered standardized field sobriety tests (SFSTs), while NE#1 looked inside the Complainant's vehicle, where he observed foil on the driver's seat, a hole in the center console, and a butane lighter in the hole of the center console. After the backing officer administered the SFSTs—which included the horizontal gaze nystagmus test, walk and turn test,

¹ NE#1 documented all his observations throughout the DUI investigation in his incident report.



modified Romberg test, one leg stand test, alphabet test, finger to nose test, and portable breath test—he and NE#1 discussed the results and subsequently arrested the Complainant for DUI related to narcotics.

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 for DUI.

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 related to narcotics. Probable cause was predicated on NE#1's physical observations of the Complainant, which included rapid speech, rapid body movements, and constricted and pinpoint eyes; the Complainant's inadequate performance on the SFSTs, indicating signs of impairment due to narcotics; and NE#1's observations of objects associated with narcotics use inside the Complainant's vehicle. Upon arrival, NE#1 also saw the Complainant driving his vehicle to a gas pump.

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

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