



## ***CLOSED CASE SUMMARY***

ISSUED DATE: AUGUST 28, 2025

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

CASE NUMBER: 2025OPA-0056

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	8.100 – De-Escalation, 8.100-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Sworn Employees Will Use De-Escalation Tactics to Reduce the Need for Force	Sustained
# 3	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
# 4	15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report	Not Sustained - Training Referral

#### **Imposed Discipline**

Oral Reprimand and Re-Training
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***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 vehicular collision involving Witness Officer #1 (WO#1) and Complainant #1. Complainant #2—Complainant #1's brother—was standing on a sidewalk when NE#1 approached and moved him further from the road. Subsequently, NE#1, Complainant #1, and Complainant #2 became involved in a brief physical confrontation culminating in the complainants' arrests for obstruction. The complainants alleged that NE#1 was unprofessional due to his aggressive demeanor and failed to de-escalate the encounter. OPA also alleged that NE#1 lacked probable cause to arrest Complainant #1 for obstruction and that NE#1's incident report failed to articulate his justification to arrest Complainant #1 for obstruction.

### **ADMINISTRATIVE NOTE:**

On August 5, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

A discipline meeting was held on August 22, 2025. At the meeting, representatives from OPA and NE#1's chain of command had a robust discussion concerning the allegations and findings. At the meeting, the participants



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discussed whether the Training Referral issues for Allegation #1 was duplicative of the Sustained finding for Allegation #2. OPA found these concerns persuasive and agreed to amend this finding to Not Sustained – Unfounded.

**STATEMENT OF FACTS:**

OPA’s investigation included reviewing the OPA complaints, body-worn video (BWV), and incident report. OPA also interviewed both complainants and NE#1.

**A. OPA Complaints**

On February 23, 2025, the complainants submitted OPA complaints, describing the following:

Complainant #1 was reversing into a parking space when an SPD vehicle suddenly appeared behind him, resulting in a collision. Complainant #2, who was nearby and witnessed the collision, was directed to stand on the sidewalk beside Complainant #1’s vehicle. While Complainant #2 remained on the sidewalk and did not impede the investigation, NE#1 approached Complainant #2 in an “aggressive” manner, ordered him to step back, and pushed him, despite Complainant #2 already being on the sidewalk. In response, Complainant #2 requested NE#1 to stop touching him and pushed NE#1’s hands away. Complainant #1 then approached and told NE#1 to remove his hands from Complainant #2. In response, NE#1 pushed Complainant #1 and tried to grab him, prompting Complainant #1 to swipe NE#1’s hands away. Complainant #1 was subsequently arrested and Mirandized. The complainants alleged that NE#1 was unprofessional due to his aggressive demeanor and failed to de-escalate the encounter.

**B. Body-Worn Video (BWV)**

BWV captured the following:

WO#1 initiated a traffic stop on Complainant #1, who reversed into WO#1’s patrol vehicle while attempting to park. WO#1 approached Complainant #1 and explained the reasons for the stop were due to speeding, running a red light, and performing an unlawful U-turn. Complainant #2 approached and claimed to have witnessed the collision. WO#1 directed Complainant #2 to move to the sidewalk, which he did. After NE#1 and backing officers arrived, WO#1 identified Complainant #2 as a witness to the collision. NE#1 then approached Complainant #2, who stood on the sidewalk, with his left hand holding a cup of iced coffee near his face and his right hand tucked in his pocket.



*The image above was taken from NE#1's BWV. Complainant #2 is on the right, while Complainant #1 is on the left.*

NE#1 stated, "Hello, sir. Just so you know, I'm audio and video recording." Complainant #2 stated, "[Unintelligible] so stupid. I watched your man," but NE#1 interjected, "Yeah, you want – you want to step back here. We can talk here." Complainant #2 replied, "No, no, I'm right here. I don't need to step anywhere." NE#1 insisted, "Yeah, we're going to step over here so we can talk cause you're very close to the roadway. So, we're going to step over here like I'm asking you to." NE#1 then moved Complainant #2 backward by placing his hands on Complainant #2's right arm and chest.





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*The image above was taken from NE#1's BWV. Complainant #2 held onto his iced coffee with his left hand, while his right hand was kept inside his pocket.*

As Complainant #2 was being moved backward, he exclaimed, "This is not – what are you doing? Get your hands off me." Complainant #2 took a few steps back, stopped, removed his right hand from his pocket, and asked, "Why the fuck are you touching me?" NE#1 replied, "I'm just asking you to step – step away from the curb," and then removed his hands from Complainant #2, who interjected, "Yo, this is not the road."

Complainant #1 quickly approached NE#1 and asked, "What the fuck are you touching?" Complainant #2 extended his right arm in front of Complainant #1, seemingly attempting to separate Complainant #1 from NE#1.



*The image above was taken from NE#1's BWV. Complainant #1 is on the left, while Complainant #2 is on the right with his right arm extended. NE#1's hand is visible on the right.*

NE#1 told Complainant #1 to relax, to which Complainant #1 replied, "Don't touch me." NE#1 stated, "Don't touch me."<sup>1</sup> NE#1 then pushed Complainant #1 twice, propelling him backward, and told Complainant #1, "Don't push me. You're under arrest," to which Complainant #1 replied, "Nah, you touched me." Complainant #2 moved in between them, faced NE#1, and extended his arms toward NE#1 in what appeared to be an attempt to keep NE#1 away from Complainant #1. Complainant #2 told NE#1, "Back up." Complainant #1 reapproached NE#1, with Complainant #2 still positioned in between them with his left arm extended.

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<sup>1</sup> Any physical contact that may have occurred between NE#1 and Complainant #1 was not readily observable due to the proximity of the individuals and the considerable obstruction of the BWV by Complainant #2's right arm.





*The image above was taken from NE#1's BWV. Complainant #2's left arm was extended between NE#1 and Complainant #1.*

NE#1 grabbed Complainant #1's left arm.<sup>2</sup> The three individuals then engaged in a brief struggle in proximity to one other, preventing BWV from fully recording the struggle. As WO#1 and a backing officer quickly approached, the backing officer pulled Complainant #2's right arm from beneath NE#1's left arm.



<sup>2</sup> According to Complainant #1's OPA complaint, Complainant #1 swiped NE#1's hands away as NE#1 tried to grab Complainant #1.



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*The image above was taken from a backing officer's BWV. The red arrow points to Complainant #2's hand as it was pulled from beneath NE#1's left arm.*

WO#1 and the backing officer separated Complainant #2 from NE#1 and handcuffed him, while NE#1 handcuffed Complainant #1.

### **C. Incident Report**

NE#1's incident report was consistent with the evidence summarized above. It stated, in part, "[Complainant #1] approached me and immediately closed the distance. I pushed [Complainant #1] to create distance and immediately both [Complainant #1] and [Complainant #2] continued to close the distance and I determined [Complainant #1] would be placed under arrest for obstruction."

### **D. OPA Interviews**

#### Complainants

On March 16, 2025, Complainant #1 emailed OPA. He believed NE#1 needed further training on de-escalation and communication without resorting to physical contact.

On March 17, 2025, OPA interviewed Complainant #2. His statements were consistent with the evidence summarized above. He described being upset when NE#1 placed hands on him and pushed him. He expressed concern about NE#1's possible treatment with other witnesses. He said he intended to separate Complainant #1 from NE#1 by positioning himself between them, but the situation escalated. He also alleged unprofessional conduct from NE#1, who told him in his holding cell, "You know why you are in here, right? You need to learn the law better."

#### Named Employee #1

On June 18, 2025, OPA interviewed NE#1. NE#1 said he asked Complainant #2 to step back because NE#1 was familiar with the area, which was known to be hostile to the police. NE#1 said the intersection was frequented by people who were unsupportive of the police. NE#1 said he moved Complainant #2 back after Complainant #2 refused to move, citing officer safety concerns. NE#1 said he was permitted to control Complainant #2's movements to maintain the security and safety of the scene during the investigation. NE#1 said Complainant #1 then quickly approached, which NE#1 perceived as a potential threat that required immediate attention to ensure officer safety. NE#1 acknowledged that he could have handled the situation differently, like contacting Complainant #2 later or suggesting they speak while getting coffee at a different location, but he maintained that he was unwilling to compromise officer safety. NE#1 said he had probable cause to arrest Complainant #1 for assault but elected against that charge because NE#1 was uninjured and wanted to give Complainant #1 a break, so NE#1 charged him with obstruction instead. NE#1 said the prosecutor assigned to this case believed there was probable cause for obstruction.



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

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

The complainants alleged that NE#1 was unprofessional due to his aggressive demeanor.

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 Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward anyone. *Id.*

To the extent that NE#1 was allegedly unprofessional toward Complainant #2 while he was in his holding cell, OPA finds this allegation unfounded. BWV captured NE#1 and Complainant #2 discussing the obstruction statute and NE#1’s decision not to charge Complainant #2 with a felony. This discussion was not unprofessional.

For the same reasons as articulated below at Allegation #2, NE#1’s decision to place his hands on Complainant #2 constituted an “unnecessary escalation of events.” It prompted Complainant #1 to quickly approach and exclaim, “What the fuck are you touching?” Given the proximity of Complainant #1 to NE#1 and the potential threat Complainant #1 posed, NE#1 felt compelled to push Complainant #1 back to create distance, especially since NE#1 was outnumbered two to one at that moment. The physical confrontation would not have occurred but for NE#1’s decision to place his hands on Complainant #2. Even though he only applied *de minimis*, non-reportable force, NE#1 unnecessarily escalated the situation.

As this portion of this allegation significantly overlaps with Allegation #2, OPA originally processed this allegation as a Training Referral. On review at the discipline meeting, OPA determined that this portion of the allegation was duplicative of Allegation #2 and should be removed.

Because OPA determined the allegation related to NE#1’s engagement with Complainant #2 in the holding cell was unfounded, OPA now recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

**Named Employee #1 – Allegation #2**

***8.100 – De-Escalation, 8.100-POL-1. When Safe, Feasible, and Without Compromising Law Enforcement Priorities, Sworn Employees Will Use De-Escalation Tactics to Reduce the Need for Force***

The complainants alleged that NE#1 failed to de-escalate the encounter.



When safe, feasible, and without compromising law enforcement priorities, sworn employees will use de-escalation tactics to reduce the need for force. SPD Policy 8.100-POL-1. Team approaches to de-escalation are encouraged and will consider sworn employee training and skill level, the number of sworn employees, and whether any sworn employee has successfully established rapport with the subject. *Id.* The totality of the circumstances should guide de-escalation options, with the goal of attaining voluntary compliance through communication, time, distance, and shielding. *Id.*

A preponderance of the evidence established NE#1 failing to adequately utilize communication, time, and distance. After WO#1 identified Complainant #2 as a witness to the collision, NE#1 approached Complainant #2 and asked him to step back, which Complainant #2 politely declined. Instead of trying to achieve voluntary compliance through additional communication, NE#1 waited about three seconds before placing his hands on Complainant #2. These actions reflected an inadequate use of communication, time, and distance, especially under stable conditions at the time. Three officers were at the scene of a non-criminal incident—an accidental vehicular collision—where Complainant #2, a witness, lawfully remained on the sidewalk and did not interfere with the investigation. Both complainants were neither confrontational nor noncompliant before NE#1 contacted them. Although NE#1 sought to obtain a witness statement from Complainant #2, NE#1's decision to immediately place his hands on Complainant #2 did not advance that objective. Instead, it increased the odds of physical confrontation, which is exactly what occurred.

NE#1 cited officer safety concerns and the intersection being frequented by people hostile to the police as reasons for relocating Complainant #2. However, these reasons did not justify immediately using any force—even *de minimis* force—to relocate Complainant #2. At the time, there was minimal foot and vehicle traffic in the area. NE#1 was present with two other officers, undermining NE#1's claim of officer safety concerns. Complainant #2 also did not pose a threat to anyone, as he lawfully stood on the sidewalk—as directed by WO#1—while clearly holding his iced coffee, prepared to discuss the collision he had witnessed. Although the complainants were not absolved of their subsequent actions—possibly assaultive or obstructive behavior—a preponderance of the evidence showed that NE#1 did not use de-escalation when safe and feasible to do so. NE#1 provided minimal opportunity for voluntary compliance and instead forced compliance, resulting in unwarranted escalation.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

### **Named Employee #1 – Allegation #3**

#### ***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***

OPA alleged that NE#1 lacked probable cause to arrest Complainant #1 for obstruction.

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 Complainant #1 for obstruction.<sup>3</sup> Complainant #1 swiftly involved himself in the situation, despite NE#1's inadequate de-escalation efforts. This required NE#1 to shift his focus from Complainant #2 to address Complainant #1, who presented a confrontational disposition toward NE#1 by invading NE#1's personal space in a manner that could be construed as obstructive. Due to Complainant #1's interference in the situation, NE#1 was unable to obtain Complainant #2's witness statement, thereby establishing probable cause for obstruction.

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

Recommended Finding: **Not Sustained – Lawful and Proper**

#### **Named Employee #1 – Allegation #4**

##### ***15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report***

OPA alleged that NE#1's incident report failed to articulate his justification to arrest Complainant #1 for obstruction.

Officers must document all primary investigations in a report. SPD Policy 15.180-POL-5. All reports must be complete, thorough, and accurate. *Id.*

Although NE#1's incident report was consistent with OPA's BWV observations, it was not necessarily complete. It articulated Complainant #1's act of approaching NE#1 but did not clarify how this act constituted obstruction. To prevent a reader from drawing inferences, NE#1's incident report would have benefited from explicitly linking Complainant #1's conduct to the elements of the obstruction statute. Thus, OPA believes a training referral for report writing is warranted under the circumstances.

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 15.180-POL-5 with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

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

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<sup>3</sup> A person is guilty of obstructing a public officer if, with knowledge that the person obstructed is a public officer, he or she intentionally and physically interferes with a public officer. Seattle Municipal Code 12A.16.010(A)(1).