

Issued Date: November 10, 2025

From: Interim Deputy Director Nelson Leese (on behalf of Interim Director Bonnie Glenn)
Office of Police Accountability 

Case Number: 2025OPA-0183

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn ...
Finding: Not Sustained - Unfounded (Expedited)
 - 2. Allegation #2:** 6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime ...
Finding: Not Sustained - Lawful and Proper (Expedited)
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This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

Named Employee #1 (NE#1) conducted a traffic stop on a vehicle and subsequently arrested the Complainant, a passenger, for obstruction. The Complainant alleged that NE#1 failed to timely advise him of his *Miranda* rights and 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 employee. As such, OPA did not interview the named employee in this case.

On June 26, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA investigated this incident by reviewing the OPA complaint, body-worn video (BWV), in-car video (ICV), and incident report. The Complainant did not respond to OPA's request for an interview. Based on these records, a preponderance of the evidence showed the following:

On May 13, 2025, NE#1 was operating his patrol vehicle when he observed a vehicle passing by, with the Complainant sitting on the passenger door while his upper body protruded out the window. NE#1 initiated a traffic stop on the vehicle and approached the passenger side to contact the Complainant. NE#1 ordered the Complainant to exit the vehicle, but the Complainant refused and requested the reason for the stop. This exchange was repeated several times. NE#1 warned the Complainant that he was committing obstruction by disobeying a lawful order to exit the vehicle. When the Complainant refused to exit, NE#1 arrested him, escorted him to the front of a patrol vehicle, and administered *Miranda* warnings. NE#1 then transported the Complainant to the North Precinct.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights, 1. Sworn Employees Will Advise All Arrestees of Their Full Miranda Rights

The Complainant alleged that NE#1 failed to timely advise him of his *Miranda* rights.

Sworn employees will advise all arrestees of their full *Miranda* rights. SPD Policy 6.150-POL-1(1). Sworn employees will give this advisement to all people taken into custody, regardless of interview, as soon as practical. *Id.*

This allegation is unfounded. NE#1 Mirandized the Complainant less than two minutes following his arrest. BWV captured NE#1 arresting the Complainant, escorting him to the front of a patrol vehicle, and Mirandizing him.

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

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

Named Employee #1 – Allegation #2

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 for the 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).

NE#1 had probable cause to arrest the Complainant for obstruction when he refused to exit the vehicle after being lawfully ordered to do so multiple times. See Seattle Municipal Code 12A.16.010 (defining obstruction as a person who, among other things, intentionally and physically interferes with a public officer); see also RCW 9A.76.020 (defining obstruction as a person who willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties). NE#1 had a lawful basis to investigate the Complainant for dangerously extending himself out of the passenger window while the vehicle was in motion. The Complainant intentionally interfered and willfully hindered NE#1's ability to investigate by refusing to exit the vehicle.

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

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