

Issued Date: November 24, 2025

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

Case Number: 2025OPA-0216

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 6.010 Arrests POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest
Finding: Not Sustained - Lawful and Proper (Expedited)
 2. **Allegation #2:** 5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing
Finding: Not Sustained - Unfounded (Expedited)
-

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:

On May 31, 2025, SPD officers, including Named Employee #1 (NE#1), responded to an assault call in which the Complainant had allegedly pepper sprayed several people and dogs. Following an investigation, NE#1 determined there was probable cause to arrest the Complainant. The Complainant alleged it was unreasonable for NE#1 to arrest him given the circumstances. The Complainant further alleges bias, based on NE#1's tone and language as well as him providing aftercare instruction to one of the victims of the incident.

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 employees. As such, OPA did not interview the named employees in this case.

On July 2, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA investigated by reviewing the OPA complaint documents, computer-aided dispatch (CAD) call report, incident report, and body-worn video (BWV). OPA also interviewed the Complainant. OPA determined that, more likely than not, the following occurred.

On May 31, 2025, NE#1 and his partner responses to a 911 call that a male—later identified as the Complainant—pepper sprayed several people and dogs at a park. NE#1 and his partner interviewed the victim and witnesses at the park. In the meantime, two other officers responded to the Complainant's separate 911 call reporting his dog was attacked by other dogs, causing him to pepper spray the dogs and a female who confronted him about the situation. The female victim and a third-party witness told NE#1 that the Complainant sprayed the female from about ten feet away as she tried to get his information. NE#1 told the victim that he intended to arrest the Complainant. NE#1 and his partner then responded to the Complainant's location. The Complainant told NE#1 that two women followed him after he pepper sprayed their dogs. The Complainant said the women were screaming and one snapped a leash at him. The Complainant recounted warning the women he would pepper spray them if they advanced. The Complainant said the women advanced, so he sprayed them. NE#1 arrested the Complainant for assault.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

6.010 Arrests POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#1 arrested him without probable cause.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. 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 an officer's knowledge are sufficient in themselves to 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).

OPA reviewed all relevant BWV and documentation for this incident. BWV shows that officers spoke to the Complainant, victim, and witness. Based on statements from the victim and the witness it appears the victim went to confront the Complainant about him using pepper spray on dogs. Although the Complainant claimed he was acting in self-defense, the victim and a third-party

witness advised the victims were over ten feet away from the Complainant when he utilized OC spray. Based on the totality of the circumstances, it was reasonable for NE#1 to credit the story of the victim and witness against the story of the Complainant for the purpose of determining probable cause.

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 was biased against him.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. Officers are forbidden from both, (i) making decisions or taking actions influenced by bias, and (ii) expressing any prejudice or derogatory comments concerning personal characteristics. See SPD Policy 5.140 POL-2.

Here, the Complainant did not allege that NE#1 was biased against him based on any protected classes or “discernible personal characteristics.” Instead, the Complainant appears to be alleging that NE#1 favored the victim over him for indeterminate reasons. Assuming, for the sake of argument, this constitutes a bias-based policing allegation, it is unfounded. As noted for Allegation #1, NE#1 conducted a thorough investigation of the incident, speaking to both sides and the witness. He reasonably chose, at the probable cause level, to credit the victim’s story more than the Complainant’s. Even recognizing NE#1 informed the victim that he intended to arrest the Complainant before contacting him, NE#1 still heard the Complainant’s side of the story before arresting him. Also, the Complainant offered two examples of evidence of NE#1’s bias. First, the Complainant alleged that he did not get to speak to a supervisor. BWV showed the Complainant did, in fact, speak to a supervisor shortly after his arrest. Second, the Complainant claimed he overheard NE#1 giving the victim instructions for how to rinse off pepper spray. OPA does not find that providing these practical instructions to the victim is evidence of bias.

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

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