


Issued Date: January 10, 2026

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

Case Number: 2025OPA-0301

Allegations of Misconduct & Director's Findings

Named Employee #1

- 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

Finding: 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 may be written in the first person.

Executive Summary:

Named Employee #1 (NE#1) responded to a domestic violence (DV) incident involving the Complainant and Community Member #1 (CM#1), her ex-boyfriend. Both parties had visible injuries. The Complainant alleged that NE#1 unlawfully arrested her despite having the more severe injury.

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 August 29, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA investigated this incident by reviewing the OPA complaint, computer-aided dispatch call report, body-worn video, incident report, and interview statements from the Complainant. Based on these records, a preponderance of the evidence showed the following:

On July 18, 2025, NE#1 responded to a DV assault call and interviewed the Complainant. She reported that she and CM#1 had been drinking alcohol but then argued. She claimed that CM#1 punched her face, prompting her to shove him away. NE#1 saw a swollen left cheek on the Complainant's face and observed her intoxication. She declined medical treatment. NE#1 then interviewed CM#1, who was detained in handcuffs. He corroborated the Complainant's account regarding their prior relationship, drinking alcohol, and argument but provided a differing account regarding the physical altercation. He claimed that the Complainant approached his face, prompting him to ask her to step back. He said she shoved him in response, prompting him to shove her back. He said she then scratched his neck. NE#1 observed a bleeding scratch on CM#1's neck and other scratch marks on his cheek. CM#1 said the Complainant came at him again, so he tried to block her arm but inadvertently struck her face instead.

NE#1 screened the incident with a sergeant, opining that the Complainant was the primary aggressor. NE#1 noted that CM#1 was not as intoxicated as the Complainant, articulated a clearer account, and sustained injuries consistent with his account. As a result, CM#1 was released from handcuffs. NE#1 returned to the Complainant and arrested her for DV assault, despite her insistence that CM#1 assaulted her first.

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 unlawfully arrested her despite having the more severe injury.

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 DV assault, despite presenting a higher level of injury than CM#1. Because both parties sustained visible injuries, NE#1 needed to determine which party was the primary aggressor. An arrest under these circumstances was

mandatory under the law. NE#1 evaluated both accounts but found CM#1's to be more credible when considering the evidence he had. NE#1 screened the incident with a sergeant, who agreed with NE#1's determination. Overall, OPA finds that the Complainant's arrest was supported by probable cause, which only required a reasonable belief that a crime had occurred based on the facts and circumstances known to NE#1. It did not need to be conclusive of guilt, nor did it need to exclude the possibility of innocence. All that was required was a reasonable belief, given the totality of the evidence before NE#1.

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

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

Footnote 1. The OPA Director may designate a civilian OPA Deputy Director to “perform such duties and have such powers as the OPA Director may prescribe and delegate.” Seattle Ordinance 125315, Council Bill 118969, subchapter I, section 3.29.100(B).