


**Issued Date:** March 3, 2026

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

**Case Number:** 2025OPA-0357

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

**Named Employee #1**

1. **Allegation #1:** 8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized  
**Finding:** Not Sustained - Lawful and Proper (Expedited)
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**Named Employee #2**

1. **Allegation #1:** 8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized  
**Finding:** Not Sustained - Lawful and Proper (Expedited)
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**Named Employee #3**

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)
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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) and Named Employee #2 (NE#2) were on patrol when they observed a physical altercation between the Complainant and Community Member #1 (CM#1). During the altercation, the Complainant pepper sprayed CM#1 and incidentally sprayed others nearby, including NE#2, leading to her arrest. Named Employee #3 (NE#3), a sergeant, screened the arrest. The Complainant alleged that her arrest was unlawful, that NE#1 and NE#2 used unauthorized during her arrest, and that NE#1 pushed her sister.

### **Administrative Note:**

During its intake investigation, OPA identified NE#1 failing to secure the Complainant's pepper spray cannister and document it in a report. OPA sent NE#1's potential violation of SPD Policy 7.010-POL-1 (Employees Secure Collected Evidence) and SPD Policy 7.010-POL-2 (Employees Document Evidence Collection) to his chain of command for Supervisor Action.<sup>2</sup> OPA also identified NE#2 swearing while taking the Complainant into custody. OPA sent NE#2's potential violation of SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) to his chain of command for Supervisor Action. Finally, OPA identified NE#1 and NE#2 failing to notify the Complainant that she was being recorded. OPA sent NE#1's and NE#2's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to their chain of command for Supervisor Action.

OPA determined that other allegations by the Complainant (officers staring at her body and losing her money) did not involve potential policy violations following intake because they were clearly disproved by the evidence. See OPA Manual 5.4(B)(i)(1) (allegations appropriate for Contact Log include those not involving a potential policy violation).

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 November 3, 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 (BWV), incident report, photographs, and email correspondence from the Complainant. Based on these records, a preponderance of the evidence showed the following:

On September 20, 2025, NE#1 and NE#2 were on patrol when NE#2 observed the Complainant and CM#1 arguing within a crowd. As NE#2 approached, the Complainant pepper sprayed CM#1 while incidentally spraying others nearby, including NE#2. The pepper spray prompted a physical altercation between the Complainant and CM#1. NE#2 grabbed the Complainant and escorted her to the front of a patrol vehicle, where NE#1 told her that she was being arrested for assaulting an officer. During NE#1's attempt to handcuff the Complainant, she claimed self-defense and repeatedly pulled away, prompting NE#1 to reposition her in front of the patrol vehicle with her hands behind her back. NE#3 screened the arrest and ultimately decided to identify and release the Complainant, as he determined that she did not intentionally target NE#2.

## **Analysis and Conclusions:**

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

#### **8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized**

The Complainant alleged that NE#1 and NE#2 used unauthorized during her arrest and that NE#1 pushed her sister.

Sworn employees will only use objectively reasonable, necessary, and proportional force to the threat or urgency of the situation to achieve a law enforcement objective while protecting the life and safety of all people. SPD Policy 8.200-POL-1. Reasonableness must consider that sworn employees are often forced to make split-second decisions about the amount of force necessary in a particular situation in tense, uncertain, dynamic, and rapidly evolving circumstances. *Id.* The question is whether the sworn employee's actions were objectively reasonable considering the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Id.* Several factors should be weighed when evaluating reasonableness. *See id.* Force is necessary under the totality of the circumstances when there is no reasonably effective alternative to using physical or deadly force, and the type and amount of physical or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the sworn employee or others. SPD Policy 8.050 (effective September 1, 2024). Proportional force must reflect the totality of circumstances of the situation, including the nature and immediacy of any threats posed to sworn employees and others. *Id.* Sworn employees must rely on training, experience, and their assessment of the situation to decide an appropriate level of force. *Id.*

NE#1 and NE#2 did not use unauthorized force as alleged. Rather, BWV showed NE#2 grabbing and escorting the Complainant to the front of a patrol vehicle, where NE#1 attempted to handcuff her. NE#1 and NE#2 used, at most, *de minimis* force,<sup>3</sup> which OPA finds was objectively reasonable, necessary, and proportional to execute an arrest and overcome the Complainant's resistance. The Complainant resisted arrest by repeatedly pulling away, requiring NE#1 to use *de minimis* force to secure her in handcuffs. Neither NE#1 nor NE#2 "slammed" the Complainant against the hood of the patrol vehicle as alleged. Finally, based on OPA's review of BWV, NE#1 did not push the Complainant's sister as alleged.

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

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

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## **Named Employee #2 – Allegation #1**

### **8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized**

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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

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## **Named Employee #3 – 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 her arrest was unlawful.

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 and NE#2 had probable cause to arrest the Complainant for fighting under SMC 12A.06.025 (making it unlawful to fight in public and create substantial risk of injury to nonparticipant). The Complainant was involved in an altercation with another individual during the course of which she used pepper spray. The Complainant incidentally pepper sprayed non-participants in the crowd, including NE#2, justifying the arrest. However, NE#3 screened the arrest and concluded the Complainant did not intentionally target NE#2 and it was appropriate to identify and release the Complainant. The Complainant's assertions of self-defense would be appropriate to raise as affirmative defenses if she were formally charged, but they did not eliminate the officers' probable cause at the time. See SMC 12A.06.025(B)(2) (self-defense is an affirmative defense to fighting charge). NE#3's actions were lawful and proper under these circumstances.

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

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

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**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).

**Footnote 2.** A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).

**Footnote 3.** *De minimis* force is an action meant to separate, guide, and/or control without using control techniques that are intended to, or are reasonably likely to, cause pain or injury. SPD Policy 8.050 (effective September 1, 2024). Examples include, but are not limited to, using hands or equipment to stop, push back, separate, or escort, and using compliance holds without using sufficient force to cause pain. *Id.*