


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-0359

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)

- 2. Allegation #2:** 8.200 – Using Force, 8.200-POL-1. Using Force: When Authorized

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 physical altercation involving the Complainant and Community Member #1 (CM#1), a security guard, and ultimately arrested the Complainant for assault. The Complainant alleged that NE#1 lacked probable cause for his arrest and used unauthorized force by slamming him against the ground.

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 October 21, 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, in-car video, incident report, and email correspondence from the Complainant. Based on these records, a preponderance of the evidence showed the following:

On June 3, 2025, NE#1 responded to a fight call and encountered CM#1 laying on top of the Complainant. Both parties showed injuries, including blood, on their faces. NE#1 separated the parties and interviewed the Complainant, who appeared intoxicated and reported that CM#1 pepper sprayed him for no reason. Conversely, CM#1 reported to the other responding officers that he was working as a security guard when the Complainant refused to vacate the area and began punching his face, prompting him to pepper spray the Complainant. Seattle Fire Department personnel arrived and evaluated the parties. NE#1 then arrested the Complainant for assault.

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 lacked probable cause for his 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 assault. Although both parties showed injuries, the Complainant was intoxicated and made illogical statements. CM#1 was in uniform and had been working as a security guard. Moreover, CM#1 was 73 years old and was considerably smaller in size compared to the Complainant, who was 20 years younger than CM#1. These circumstances supported CM#1's account and indicated that the Complainant initiated the assault.

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

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

The Complainant alleged that NE#1 used unauthorized force by slamming him against the ground.

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 did not slam the Complainant against the ground as alleged. Rather, body-worn video showed NE#1 handcuffing the Complainant and escorting him to a patrol vehicle. NE#1 used, at most, *de minimis* force,² which OPA finds was objectively reasonable, necessary, and proportional to safely execute the arrest.

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).

Footnote 2. *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.*