



## CLOSED CASE SUMMARY

ISSUED DATE: JULY 16, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2025OPA-0065

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	16.200 – Interaction with Gender-Diverse Individuals, 16.200-POL-2 Interaction with Gender-Diverse Individuals ...	Not Sustained - Unfounded (Expedited)
# 2	6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime ...	Not Sustained - Lawful and Proper (Expedited)
# 3	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

#### **EXECUTIVE SUMMARY:**

Named Employee #1 (NE#1) responded to a grocery store and arrested the Complainant following an investigation into an assault. The Complainant, a transgender woman, alleged that NE#1 misgendered her by using incorrect pronouns, lacked probable cause for her arrest, and exhibited bias based on her transgender status.

#### **ADMINISTRATIVE NOTE:**

On April 4, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

#### **SUMMARY OF INVESTIGATION:**

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. The Complainant's attorney did not respond to OPA's request to interview the Complainant.

On March 2, 2025, Community Member #1 (CM#1) called 911 to report that the Complainant had thrown lighter fluid on him and attempted to ignite him. BWV captured NE#1 arriving at the front of a grocery store, where he interviewed the Complainant. She claimed she confronted CM#1, whom she identified as her former roommate, about a financial matter when he assaulted her without provocation. NE#1 then interviewed CM#1, a grocery store employee. He claimed the Complainant, whom he claimed not to know, snatched cookies from him as he was exiting the store, prompting him to attempt to retrieve them. He said while doing so, the Complainant threw lighter fluid on him and attempted to set him on fire. He said he punched the Complainant's face several times in defense, reentered the store, and called 911. NE#1 entered the grocery store and reviewed camera footage of the altercation, which corroborated CM#1's account. NE#1 then arrested the Complainant, Mirandized her, and explained the reason for the arrest. A store employee later corroborated CM#1's account. NE#1 screened the incident with a sergeant and requested the



Seattle Fire Department to evaluate the Complainant. A search of the Complainant uncovered, among other items, multiple lighters, including a torch-style lighter, an empty liquid butane vial, and a bag of cookies.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***16.200 – Interaction with Gender-Diverse Individuals, 16.200-POL-2 Interaction with Gender-Diverse Individuals, 3. Employees Will Address and Refer to Gender-Diverse Individuals by Their Preferred Names, Gender Identity, ...***

The Complainant alleged that NE#1 misgendered her by using incorrect pronouns.

Employees will address and refer to gender-diverse individuals by their preferred names, gender identity, and preferred pronouns. SPD Policy 16.200-POL-2(3).

BWV disproved the Complainant's allegation. After the Complainant told NE#1 she identified as a transgender woman, NE#1 addressed her using the pronouns "she" and "her" throughout their encounter.

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 to Effect an Arrest***

The Complainant alleged that NE#1 lacked probable cause for her arrest.

Sworn employees must have probable cause that a subject has committed a crime to effect an arrest. SPD Policy 6.010-POL-1. Arrests without probable cause violate law and Department policy. Probable cause exists when the facts and circumstances within a sworn employee's knowledge 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's probable cause was predicated on consistent accounts from CM#1 and another grocery store employee. They reported that CM#1 punched the Complainant several times in self-defense after the Complainant had thrown lighter fluid on him and attempted to ignite him. NE#1 reviewed the store's camera footage, which corroborated these accounts. Lastly, the items recovered from the Complainant—including multiple lighters, an empty liquid butane vial, and a bag of cookies—further corroborated these accounts. Therefore, NE#1 had probable cause to arrest the Complainant for robbery.

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 #1 – Allegation #3**

***5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged that NE#1 exhibited bias based on her transgender status.

Biased policing means the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, as well as other discernible personal characteristics of an individual. SPD Policy 5.140-POL. It includes different treatment based on gender identity. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. *See* SPD Policy 5.140-POL-2.

NE#1's decision to arrest the Complainant was based on probable cause for a crime, as noted above. NE#1 used the appropriate pronouns when addressing the Complainant, treated her with dignity and respect during their interaction, thoroughly investigated the incident before making an arrest decision, and screened the incident with a sergeant. Overall, OPA found no evidence supporting the Complainant's interpretation of bias based on gender identity.

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

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