



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 19, 2025

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

CASE NUMBER: 2025OPA-0082

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights	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 in Order to Effect an Arrest	Not Sustained - Lawful and Proper (Expedited)
# 3	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights	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 in Order to Effect an Arrest	Not Sustained - Lawful and Proper (Expedited)
# 3	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	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:

The named employees (NE#1 and NE#2) investigated a harassment incident involving the Complainant and his neighbors (Husband #1 and Wife #1), resulting in the Complainant's arrest. The Complainant alleged that the named employees failed to Mirandize him, failed to clarify his *Miranda* rights, lacked probable cause for his arrest, and colluded with his neighbors' attorney.

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 April 14, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA's investigation included reviewing body-worn video (BWV) and the incident report. OPA also interviewed the Complainant.

On February 14, 2025, the named employees arrived at the home of Husband #1 and Wife #1. Wife #1 reported an ongoing conflict they had with the Complainant concerning overgrown vegetation encroaching onto their property. She said she left her home when the Complainant approached her in a "menacing" manner, shouted at her, and accused her of being a fraud. She said she felt "menaced" and "frightened," so she quickly drove away in her vehicle and called 911. She said she and Husband #1 are fearful of going outside due to concerns that the Complainant might act against their home. She also mentioned she had obtained an anti-harassment order against the Complainant, although it had not yet been served.

NE#1 screened the incident with a sergeant, who authorized arresting the Complainant for harassment. The named employees and the sergeant then contacted the Complainant, who indicated he had difficulty hearing. The Complainant declined to provide his account of the incident, leading the named employees to arrest him. NE#1 then Mirandized the Complainant and asked whether he understood his rights, to which he replied, "Not fully." When NE#1 offered to reiterate his *Miranda* rights, the Complainant explained the ongoing dispute concerning the overgrown vegetation. NE#1 and the sergeant clarified that the arrest was for harassment earlier that day, not the underlying conflict. The sergeant then offered to repeat the *Miranda* rights to the Complainant, but he declined.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights

The Complainant alleged that the named employees failed to Mirandize him and failed to clarify his *Miranda* rights.

Sworn employees will advise all arrestees of their full *Miranda* rights. SPD Policy 6.150-POL-1(1). Sworn employees will give this advisement to all people taken into custody, regardless of interview, as soon as practical. *Id.* Sworn employees must give *Miranda* warnings before questioning a person who is in custody. SPD Policy 6.150-POL-1(2). Sworn employees must include all elements of *Miranda* and establish understanding. SPD Policy 6.150-POL-1(3). Establishing understanding could be accomplished by asking whether the suspect understood the warnings. *Id.*

The named employees sought to obtain the Complainant's account of the incident upon contact. At that time, the Complainant was not under arrest, so *Miranda* warnings were unnecessary. Once the Complainant was handcuffed, NE#1 Mirandized him and asked whether he understood his rights. NE#1 also offered to reiterate his *Miranda* rights. Since the Complainant did not invoke his right to remain silent, his responses to the custodial questions were lawfully given.

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 in Order to Effect an Arrest

The Complainant alleged that the named employees 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).

The named employees had probable cause to arrest the Complainant for harassment.¹ Wife #1 reported that she felt threatened due to the Complainant's "menacing" conduct when he approached her while shouting. She compared his posture to that of a bear, which frightened her enough to flee and call 911. Thus, there were sufficient facts to indicate that the Complainant's conduct placed Wife #1 in reasonable fear that he would threaten to cause bodily injury. The sergeant at the scene also agreed with this probable cause determination, as did the City Attorney's Office, which declined to file charges based on the burden of proof at trial but opined that "[t]hreatening conduct is sufficient to base a charge on."

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 #3

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that the named employees colluded with his neighbors' attorney.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*

This allegation is unfounded. There was no evidence indicating any collusion with the attorney representing the Complainant's neighbors. BWV captured the named employees contacting Husband #1 and Wife #1 for the first time on the day of the incident and deciding to arrest the Complainant based on that contact, without an attorney present.

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

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

¹ A person is guilty of harassment if, without lawful authority, the person knowingly threatens to cause bodily injury immediately or in the future to the person threatened and the person, by words or conduct, places the person threatened in reasonable fear that the threat will be carried out. *See* RCW 9A.46.020(1). Moreover, RCW 9A.46.020 specifies other circumstances under which a person is guilty of harassment.



Named Employee #2 – Allegation #1

6.150 – Advising Persons of Miranda and the Right to Counsel, 6.150-POL-1 Advising Miranda Rights

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

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

Named Employee #2 – Allegation #2

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

For the reasons articulated in Named Employee #1 – Allegation #2, OPA recommends that this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #2 – Allegation #3

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

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