




CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 12, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0260

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	15.180 - Primary Investigations 15.180-POL 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)
# 2	5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 3	15.220 - Child Welfare 7. Officers Take Custody of Abused or Neglected Children	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 Complainant alleged that, on November 29, 2021, Named Employee #1 (NE#1) responded to an incident at her and her daughter’s home. The Complainant alleged during that response, NE#1 dismissed the Complainant’s concerns about her daughter’s drug use and infant grandson’s welfare. The Complainant also alleged NE#1 failed to properly document a witness’ account, which corroborated the Complainant’s daughter’s drug use.

ADMINISTRATIVE NOTE

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General’s agreement, believed it could reach and issue recommended findings based solely on its intake investigation, without interviewing the involved employees. As such, OPA did not interview the involved employee in this case.

SUMMARY OF INVESTIGATION

OPA reviewed the initial complaint, CAD call report, incident report, and body-worn video (BWV). OPA also interviewed the Complainant.

A. Computer-Aided Dispatch (CAD)

The related CAD report stated the call was cleared without arrest and that NE#1 wrote a report documenting the incident.

The call remarks for the Complainant’s November 29, 2021, 9-1-1 call, stated:



“RP REQ CRISIS RESPONSE TEAM, GRANDMOTHER SAYS GRANDSON IS BEING NEGLECTED BY THE MOTHER. MOTHER OF CHILD USING DRUGS, AND SELF MUTILATING INFRONT OF THE CHILD.”

B. Body-Worn Video (BWV)

NE#1’s BWV captured his interaction with the Complainant. In relevant part, it showed:

NE#1 contacted the Complainant, who sat in her vehicle with the window cracked 1-2 inches. A ten-month-old child was also in the vehicle. The Complainant asked NE#1 to close her home’s front door. NE#1 complied. As NE#1 returned to the Complainant’s car, her daughter—the child’s mother—asked another officer for transportation to a homeless shelter. NE#1 consulted with the other officer. Both agreed the Complainant’s daughter appeared rational and there was no legal justification to stop her from taking her child.

NE#1 re-contacted the Complainant, who was still in her car. He explained her daughter wanted to take the child to a homeless shelter and that he could not stop her unless the Complainant explained the alleged danger to the child. While gesturing towards her arms, the Complainant told NE#1 her daughter self-mutilated. She also stated her daughter had a “psychiatric break.” NE#1 asked whether the Complainant had legal guardianship of the child. The Complainant stated she had an “old power of attorney.” NE#1 explained that power of attorney is different from guardianship.

NE#1 told the Complainant she did not have custodial rights to the child. For several minutes, the Complainant argued about why she believed she had custodial rights. During the back-and-forth, NE#1 momentarily stepped away from the vehicle to radio for a Community Service Officer (CSO). He relocated to the Complainant’s daughter and asked whether she self-harmed. She denied self-harm and drug use, and stated another officer checked her arms. NE#1 asked the Complainant’s daughter if she wanted a CSO to take her to a shelter. She replied yes. The Complainant was captured screaming from her vehicle. NE#1 told the Complainant she was escalating the situation. The Complainant continued to yell at NE#1, then told him to go away. NE#1 complied.

While waiting for a CSO, the Complainant’s neighbor arrived. The neighbor told NE#1 she pounded on their shared wall earlier that morning because the Complainant’s daughter was incoherently screaming. The neighbor expressed concern for the child’s wellbeing. NE#1 asked the neighbor whether her concerns warranted a 9-1-1 call. The neighbor conceded the incident did not.

When two CSOs arrived, the Complainant argued with another officer and initially refused to turn over the child. The child was eventually placed in the CSO’s vehicle for transport to the South Precinct.

C. Named Employee #1’s General Offense (GO) Incident Reports

OPA reviewed NE#1’s incident report.

NE#1’s description of the incident coincided with what was captured on BWV. NE#1 noted the Complainant’s grandson’s appearance, who he described as clean, well-fed, and uninjured. He wrote the Complainant alleged her daughter self-mutilated but did not specify how. NE#1 noted the Complainant’s daughter had no visible injuries and denied self-harm. NE#1 described the Complainant’s daughter as, “cooperative and articulate but obviously disturbed



by her mother screaming at her.” NE#1 further stated, “[The Complainant’s daughter] appeared to be in control of herself and of no immediate and imminent danger to herself or the child.”

NE#1 described the Complainant’s behavior as “sporadic.” He wrote, “when we walked away from the vehicle, she would roll down her window and scream at her daughter, and then roll the window back up.”

The report also included NE#1’s conversation with the neighbor. He documented the neighbor’s concern for the child based on the Complainant’s daughter yelling earlier that morning. NE#1 also noted the child was not home when the neighbor reportedly heard the Complainant’s daughter screaming.

D. Complainant’s OPA Interview

On November 29, 2021, the Complainant requested a crisis response because she believed her grandson was neglected. The Complainant told OPA her primary concern was “police officers aren’t able to look in someone’s eye and clearly tell that there’s a problem.” The Complainant stated she locked her grandson and herself inside her car out of fear NE#1 would punch her or forcibly take her grandson.¹ She believed NE#1’s failure to recognize subtle clues, like the child not reacting to the Complainant’s yelling, constituted a failure to investigate. She further alleged NE#1 failed to properly document her daughter’s self-harm. She stated her daughter mutilated above her knees, not her arms as NE#1 wrote in his report.

The Complainant was also upset NE#1 refused to give her custody of her grandson. Additionally, she stated NE#1 mischaracterized her as “sporadic.” The Complainant explained NE#1 asked her a question but walked away as she answered. She believed NE#1 needed more training and empathy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

15.180 - Primary Investigations 15.180-POL 1. Officers Shall Conduct a Thorough and Complete Search for Evidence

The Complainant alleged NE#1 inadequately investigated her daughter’s drug use and improperly document a witness’ account.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Officers must also collect evidence, but evidence that is impractical to collect shall be photographed and retained by the owner. SPD Policy 15.180-POL-1.

Here, OPA reviewed NE#1’s BWV and incident report. NE#1’s report documented the Complainant’s daughter was “cooperative and articulate” and “appeared to be in control of herself and of no immediate and imminent danger to herself or the child.” NE#1’s BWV corroborated that written description. NE#1 also accurately documented his interview of the neighbor.

¹ In her interview, the Complainant referenced prior knowledge of a highly publicized incident of an SPD Officer punching a woman. She stated she was ‘clairvoyant’ and she sensed NE#1 “had a very devious spirit.” She added that she locked herself inside of her vehicle because she sensed NE#1’s “negative energy.”



No evidence suggested NE#1 missed signs of drug use or impairment. NE#1 documented his interaction with the Complainant thoroughly and accurately. While the Complainant may have been privy to additional information about her daughter's drug use, she did not make it known to NE#1.

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

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

The Complainant alleged NE#1 repeatedly walking away from her was unprofessional.

Officers must “strive to be professional.” SPD Policy 5.001-POL-10. Officers must also “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.* Further, “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” *Id.*

In its review of NE#1's interactions with the Complainant, OPA did not find NE#1 say or do anything contemptuous, derogatory, or dismissive. Contrarily, although NE#1 made it clear his handling of the situation was based on the Complainant's daughter's custodial rights and no corroboration the child was endangered, he remained respectful with the Complainant.

Further, OPA only saw NE#1 step away from the Complainant to speak with her daughter, the neighbor, and radio for a CSO. Those actions also demonstrate NE#1 diligently investigated the Complainant's allegations. The Complainant on the other hand escalated the situation by yelling at NE#1 from her car and initially refusing to turn over custody of her grandson.

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

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

Named Employee #1 - Allegation #3

15.220 - Child Welfare 7. Officers Take Custody of Abused or Neglected Children Evidence

The Complainant alleged NE#1 failed to take custody of her neglected grandson despite evidence of her daughter's drug use.

Officers may take a child into custody without a court order under RCW 26.44.050 if there is probable cause to believe the child is abused or neglected and the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. SPD Policy 15.220-POL-7.

NE#1 observed the Complainant's grandson did not have visible injuries, was clean, and appeared well-nourished. He spoke with the Complainant's daughter, who was not apparently under the influence of drugs or otherwise impaired. NE#1 spoke to the neighbor, who expressed concern about the Complainant's daughter's behavior earlier that day.



However, the neighbor did not attribute the Complainant's daughter's outburst to drug usage or a mental health crisis that would have endangered the child. Overall, based on his observations and interviews, NE#1 determine probable cause did not exist to believe the child was abused, neglected, or in imminent danger.

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

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