
Issued Date: APRIL 4, 2024**From:** Director Gino Betts JR., Office of Police Accountability**Case Number:** 2023OPA-0497

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report

Finding: Not Sustained - Lawful and Proper (Expedited)

2. **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

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 are written in the first person.

Executive Summary:

Named Employee #1 (NE#1) and Witness Officer #1 (WO#1)—an officer under NE#1's supervision—responded to a domestic violence (DV) call. The Complainant alleged that NE#1 lacked probable cause to arrest her fiancé, Community Member #1 (CM#1). The Complainant also alleged that the police report inaccurately portrayed her as a victim.

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 December 13, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

On November 6, 2023, the Complainant filed an OPA complaint, writing that SPD officers came to her home for a welfare check. She described telling officers that CM#1 was intoxicated and had unintentionally injured her. She denied being a victim. She wrote that she was uninterested in

pressing charges against CM#1, but officers immediately arrested CM#1. She wrote that the police report inaccurately suggested that CM#1 intentionally injured her.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA also interviewed the Complainant.

On November 3, 2023, at 2:59 AM, CAD call remarks noted, "7 MIN[UTE]S AGO, [REPORTING PARTY'S] FIANCE IS VERY INTOX[ICATED]. [REPORTING PARTY] AND SUBJ[ECT] GOT INTO AN ARGUMENT, [REPORTING PARTY] ASKED FOR SPACE WITHIN THE HOUSE AND SUBJ[ECT] REFUSED AND FOLLOWED [REPORTING PARTY]. [REPORTING PARTY] STATED SHE IS SEP[A]RATED FROM SUBJ[ECT] NOW. NO [WEAPONS]."

NE#1 and WO#1 activated their BWV, capturing the following:

WO#1 called the Complainant, who said CM#1 came home intoxicated and tried forcing entry into their bedroom. She said she told CM#1 to go away, but CM#1 pushed her against a wall, knocking her head against a doorframe. The Complainant said she sustained a bump on her forehead. She said CM#1 went downstairs and passed out, and she stayed in their bedroom.

WO#1 and NE#1 met the Complainant outside her home. She showed officers the bump on her forehead and said she had marks on her arms. She retold what happened. She believed CM#1 was so intoxicated that he unintentionally injured her when he tried pushing past her. She said CM#1 flung her against a doorframe. She said she removed CM#1 from her room, placed a dresser in front of the door, and called the non-emergency police line because she feared CM#1. She said she sustained the bump on her forehead during the scuffle and showed WO#1 marks on her shoulder. WO#1's incident report described scratches on the Complainant's collarbone area and arms and bruising on her elbow. She said she did not want CM#1 to get in trouble and declined a Seattle Fire Department medical evaluation.

WO#1 and NE#1 stepped away to deliberate, then decided to arrest CM#1. They reapproached the Complainant. NE#1 told her they wanted to talk to CM#1 but needed to arrest him because of her injuries. NE#1 explained that state law required CM#1's arrest. The Complainant cried and allowed them inside her home. WO#1 and NE#1 entered the Complainant's home, woke up CM#1 on the couch, and handcuffed him. CM#1 refused to answer questions and invoked his right to an attorney.

WO#1's incident report was consistent with the events captured on BWV.

On November 27, 2023, OPA interviewed the Complainant. She said she called the non-emergency police line because she did not want police action against CM#1. She was alarmed that several officers responded to a welfare check and arrested CM#1, which she said traumatized her. She said she retold her story many times and was asked leading questions. She said her consent to police entry felt compelled. She said officers arrested CM#1 without asking his side of the story. She believed the situation was a setup.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

15.180 – Primary Investigations, 15.180-POL-5. Officers Shall Document all Primary Investigations on a Report

The Complainant alleged that the police report inaccurately portrayed her as a victim.

Officers must document all primary investigations in a report. SPD Policy 15.180-POL-5. All reports must be complete, thorough, and accurate. Id.

Here, WO#1 wrote the incident report, not NE#1. WO#1's incident report was complete, thorough, and accurate, as OPA compared it to the events captured on BWV. WO#1 documented the Complainant's account, her injuries, and CM#1's arrest. The incident report accurately reflected the information the Complainant reported to the police.

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

Recommended Finding: **Not Sustained - Lawful and Proper (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 to arrest CM#1 for DV assault.

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).

Here, NE#1 and WO#1's investigation established probable cause that CM#1 committed a DV assault. Probable cause was predicated on the Complainant's consistent account and visible injuries. She had a bump on her forehead, scratches on her shoulder and arms, and a bruised elbow—injuries consistent with DV assault. Although the Complainant questioned whether CM#1 intentionally injured her, the officers only needed probable cause—a relatively low threshold—to make an arrest.

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

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