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**Issued Date:** AUGUST 2, 2024

**From:** Director Gino Betts, Jr.   
Office of Police Accountability

**Case Number:** 2024OPA-0077

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

### **Named Employee #1**

- 1. Allegation #1:** 15.220 – Child Welfare, 15.220-POL-6. Officers Take Custody of Runaway Children and Children in Dangerous Circumstances

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

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**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 juvenile runaway call at the Seattle Children's Hospital (SCH). Community Member #1 (CM#1)—the juvenile—was treated for a hand injury and accompanied by Community Member #2 (CM#2)—the mother of CM#1's friend. The Complainant—CM#1's mother—wanted CM#1 sent to a shelter, but NE#1 released CM#1 to CM#2 instead. The Complainant alleged that NE#1 improperly released CM#1 to CM#2.

### **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 a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On March 14, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### **Summary of Investigation:**

On February 6, 2024, the Complainant filed an OPA complaint, stating the following:

Unknown adults took CM#1, listed as a missing person, to SCH. The Complainant received a call from NE#1, who wanted to release CM#1 to the adults because CM#1 refused to be picked up by the Complainant. The Complainant rejected this arrangement and asked NE#1 to take CM#1 to a shelter. NE#1 told the Complainant that Child Protective Services (CPS) declined to take custody

of CM#1, so NE#1 checked the adults' backgrounds and released CM#1 to the adults. The Complainant alleged that NE#1 took custody of CM#1 without a court's or CPS' approval and released CM#1 to an unknown family.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA also interviewed the Complainant and a CPS employee (CPS#1).

On February 6, 2024, at 3:34 PM, CAD call remarks noted, "IN THE [EMERGENCY ROOM], JUVENILE RUNAWAY CURRENTLY IN BED 7 WITH AN UNK[NOWN] ADULT, MOTHER NOT WILLING TO COME AND TAKE CUSTODY, NO WEAPONS SEEN."

NE#1 responded to SCH and activated his BWV, capturing the following:

NE#1 spoke with a social worker (SW#1), who said CM#2 brought CM#1 to SCH to receive treatment for a broken hand, but the Complainant refused consent for CM#1's treatment. SW#1 said SCH could not release CM#1, a reportedly missing child, to CM#2, and the Complainant refused to pick up CM#1. NE#1 called the Complainant, who refused to allow CM#2 to take CM#1 and said she would pick up CM#1. NE#1 reapproached SW#1, who said CM#1 felt unsafe at home. SW#1 also said CM#2 seemed protective and supportive of CM#1.

NE#1 spoke with CM#1, who said he was staying at CM#2's home but refused to go home with the Complainant because he felt unsafe there. NE#1 spoke with CM#2, whose statements corroborated SW#1's and CM#1's statements. NE#1 called the Complainant, telling her that because CM#1 refused to go home, CPS would take custody of CM#1.

CPS called NE#1, telling him that CPS declined to take custody of CM#1 but suggested NE#1 could take CM#1 to the Complainant's home or allow CM#2 to take CM#1. NE#1 screened these options with a sergeant, who advised NE#1 to tell the Complainant that CM#1 would be released to CM#2. NE#1 called the Complainant, who requested that CM#1 be sent to a shelter because she did not want CM#2 to take CM#1. NE#1 said he would release CM#1 to CM#2. NE#1 said he ran background checks on CM#2 and CM#2's husband and told CPS their location. NE#1's incident report documented that CM#2's and CM#2's husband's background check "revealed no criminal history." NE#1 terminated the call.

NE#1's incident report was consistent with BWV observations.

On February 14, 2024, OPA interviewed the Complainant, who provided statements consistent with her OPA complaint. The Complainant said CPS#1 encouraged her to file a runaway report. The Complainant said CPS#1 told her that NE#1 did not contact CPS and that CPS would have responded to SCH if NE#1 tried to take custody of CM#1. The Complainant said CPS#1 lacked the authority to remove CM#1 from CM#2's residence. The Complainant said she was upset when NE#1 released CM#1 to CM#2 without CPS' or her consent.

On February 14, 2024, OPA interviewed CPS#1. CPS#1 expressed confusion about CM#1 being released to CM#2. CPS#1 said CPS did not relocate CM#1 because he was no longer listed as a runaway and was allowed to stay with CM#2. CPS#1 also expressed confusion about why CPS

declined to respond to SCH. CPS#1 said CPS should have responded to SCH since the police decided to take custody of CM#1 without a court order.

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**Analysis and Conclusions:**

**Named Employee #1 – Allegation #1**

***15.220 – Child Welfare, 15.220-POL-6. Officers Take Custody of Runaway Children and Children in Dangerous Circumstances***

The Complainant alleged that NE#1 improperly released CM#1 to CM#2.

Officers will take runaway children and children in dangerous circumstances into custody under certain circumstances. SPD Policy 15.220-POL-6. Concerning runaway and endangered children, an officer is immune from liability if, acting in good faith, the officer fails to take a child into custody, takes a child into custody, takes a child to the Department of Social and Health Services (DSHS), a crisis residential center, or a DSHS-approved location, or releases a child to a person at a parent's request. *Id.*

The Complainant refused to allow CM#2 to take CM#1, and CM#1 refused to go home with the Complainant. CPS declined NE#1's request to take custody of CM#1 and told NE#1 to release CM#1 to CM#2 or take CM#1 to the Complainant's home. Given CM#1's abuse allegations, CPS' approval, and a sergeant's approval, NE#1 decided to release CM#1 to CM#2. NE#1 also followed up with CPS, who told NE#1 that CPS would follow up with CM#1 within a day. NE#1's good faith decision complied with SPD's policy since CM#1 was placed at a DSHS-approved location, CM#2's home.

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

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