



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 21, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN, ON BEHALF OF DIRECTOR GINO BETTS, JR.  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0235

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

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

Allegation(s):		Director's Findings
# 1	6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Lawful and Proper (Expedited)
# 2	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Lawful and Proper

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Lawful and Proper

#### **Named Employee #3**

Allegation(s):		Director's Findings
# 1	6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion	Not Sustained - Lawful and Proper (Expedited)
# 2	6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope	Not Sustained - Lawful and Proper

#### **Named Employee #4**

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Lawful and Proper

***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.***



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**EXECUTIVE SUMMARY:**

Witness Officer #1 (WO#1) and Named Employee #1 (NE#1) through Named Employee #4 (NE#4) responded to a disturbance call involving the Complainant reportedly abusing her two children in her apartment. The Complainant refused to cooperate with the officers. WO#1 and NE#3 detained the Complainant in the laundry room. NE#2 and NE#4 entered the Complainant's apartment without a warrant to check on her children for injuries. The Complainant alleged that NE#1<sup>1</sup> and NE#3 unlawfully detained and handcuffed her. The Complainant also alleged that NE#1, NE#2, and NE#4 unlawfully entered her apartment without a warrant.

**ADMINISTRATIVE NOTE:**

During its intake investigation, OPA identified NE#1 and NE#2 for failing to ensure the *Terry* stop was documented in a field contact report. OPA sent NE#1's and NE#2's potential violation of SPD Policy 6.220-POL-4(1) (Officers Will Document All Terry Stops) to their chain of command for Supervisor Action.<sup>2</sup>

Two allegations against NE#1 and NE#3 concerning SPD Policy 6.220-POL-2(1) (Terry Stops are Seizures Based Upon Reasonable Suspicion) were 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 NE#1 and NE#3 about those allegations. As such, OPA did not interview NE#1 and NE#3 about those allegations. On June 28, 2024, OIG certified OPA's expedited investigation as thorough, timely, and objective.

The remaining allegations underwent a full investigation. On October 3, 2024, OIG certified OPA's full investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

**A. OPA Complaint**

On May 28, 2024, the Complainant left OPA a voicemail, seeking to file a complaint against the named employees. She said a resident falsely reported that she was abusing her children, prompting the police to respond. She said she refused to let the named employees enter her apartment and told them to obtain a warrant. She said the named employees detained and handcuffed her in the laundry room and then unlawfully entered her apartment to check on her children, violating her Fourth Amendment rights.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, incident report, mobile data terminal (MDT) messages, body-worn video (BWV), and training records. OPA also interviewed the Complainant, WO#1, Witness Officer #2 (WO#2), and named employees.

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<sup>1</sup> NE#1 was WO#1's field training officer. WO#1's actions were imputed to NE#1 since NE#1 supervised WO#1 during this incident. Also, WO#1 separated from SPD about two weeks after this complaint was filed.

<sup>2</sup> Supervisor Actions generally involve a minor policy violation or performance issue that the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



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**B. Computer-Aided Dispatch (CAD) Call Report, Incident Report, and Mobile Data Terminal (MDT) Messages**

On May 27, 2024, at 6:52 PM, CAD call remarks noted, “[REPORTING PARTY] BELIEVES FEMALE RESIDENT OF THIS APARTMENT IS ABUSING HER 9 [YEAR OLD] TWINS, HEARS LOUD BANGING AND FEMALE HEARD SAYING YOU[ ]SHOULDN[’]T DO THINGS TO THINGS TO GET HIT.”

WO#2 cleared the call. CAD noted, “SPOKE WITH MOTHER INSIDE [FOURTH-FLOOR UNIT] – HER SON HAS A DISABILITY AND SHE HAS A HARD TIME COPING WHEN HE HAS A FIT.” WO#1’s incident report stated that WO#2 determined no crime occurred.

At 7:42 PM, CAD call remarks noted, “[JUST OCCURRED] [REPORTING PARTY] HEARD SOUNDS OF BANGING AND BREAKING, ARGUING COMING FROM EITHER [THIRD-FLOOR UNIT 1] OR [THIRD-FLOOR UNIT 2]. UNK[NOWN] IF RELATED TO [PRIOR CAD CALL].”

While in his patrol vehicle, WO#1 received messages via MDT from WO#2 about the Complainant’s situation. WO#2 wrote that she responded to the incident location many times but never arrested anyone. WO#2 wrote that the Complainant, a single mother, lived with two children and yelled at them when she was overwhelmed. WO#2 wrote that the Complainant’s son had a disability, had medical fits, and slammed his body around. WO#2 wrote that the Complainant was unhappy about the police being frequently called on her. WO#2 wrote that a nosy neighbor always recorded disturbances.

WO#1’s incident report was consistent with BWV observations, described below.

**C. Body-Worn Video (BWV)**

WO#1 and the named employees responded to the incident location with their BWV activated, capturing the following:

WO#1 went to the third floor and contacted the Unit 2 resident, who reported hearing no disturbance. WO#1 contacted another resident, who reported the same. WO#1 knocked on the door of Unit 1, but no one answered.

WO#1, NE#1, NE#3, and NE#4 approached the Complainant’s apartment on the fourth floor.<sup>3</sup> Two residents on the Complainant’s floor denied hearing a disturbance. The Complainant answered her door after WO#1 knocked. WO#1 asked her about a “banging.” She said nothing happened and elaborated that she was cleaning and reorganizing but accidentally dropped a box. She said her son had fits and threw himself around. She also said the police previously responded to her apartment when nothing happened.<sup>4</sup> WO#1 said the officers wanted to ensure everyone’s safety. The Complainant refused to permit entry without a warrant, declined to provide her name, and said, “Bye.” She closed her door and locked it.

Community Member #1 (CM#1)—a fourth-floor resident—flagged down the officers as they approached the elevator and reported that, around 5:30 to 6:00 PM, she heard the Complainant yell at her children and threaten to beat them. CM#1 claimed she heard the Complainant say, “If you were listening, I wouldn’t have to slap the shit out of you,”

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<sup>3</sup> WO#1’s incident report stated that officers visited the Complainant because this call was possibly related to the prior 911 call.

<sup>4</sup> The Complainant referred to second watch officers who responded to the first 911 call.



“don’t make me have to beat the shit out of you again,” and “come here so I can kick you in the vagina.” CM#1 said she heard sounds indicative of hitting. CM#1 said she heard these disturbances nearly every night, sometimes lasting hours, even with her window shut. CM#1 said Community Member #2 (CM#2)—a fifth-floor resident—recorded these disturbances.

WO#1, NE#1, and NE#3 spoke with CM#2 on the fifth floor while NE#2 and NE#4 remained on the fourth floor. CM#2 said she recorded over 24 disturbances, beginning in August 2023, involving threats of harm, sounds of violence, and sounds of children crying. CM#2 said she documented dates, times, and locations of the disturbances in a Word document and reported them to the police and Child Protective Services. CM#2 said she heard the Complainant call her daughter a “little fucking bitch” and other threats like, “If you don’t want to be hit, then why don’t you listen?” CM#2 said she heard the Complainant say, “I’m going to give you 20 minutes to clean your room and, if you don’t, I’m going to beat your ass, and I will give you something to cry about.” CM#2 said she then called 911 around 6:55 PM when she heard the Complainant’s children crying and “loud banging,” which she believed indicated the Complainant beating her children. CM#2 said the Complainant attributed the disturbances to her son’s fits, which CM#2 said was disputed by her recordings. CM#2 said she would submit her recordings and documentation to the police.

WO#1, NE#1, and NE#3 returned to the fourth floor where WO#1 briefed NE#2 and NE#4. NE#4 suggested they should see the Complainant’s children before leaving. NE#1 agreed, saying they should not leave unless second watch officers already saw the children.

WO#1, NE#1, and NE#3 encountered the Complainant next to the laundry room. WO#1 said they wanted to see her children, but she declined, demanded they obtain a warrant, and insisted her children were fine. She said her son had fits. She attempted to leave but was stopped by NE#3, who told her she was detained while they investigated possible child abuse and ensured her children’s safety.<sup>5</sup> She called 911 and asked to speak with a supervisor, but dispatch terminated the call. NE#3 said he would seize her phone if she called again, but she called someone else and asked that person to go to her apartment. WO#1 and NE#3 told her to stop and then handcuffed her. WO#1 Mirandized the Complainant. NE#3 handed her keys to NE#2.

A neighbor, NE#2, and NE#4 approached the Complainant’s apartment, and the neighbor asked the Complainant’s daughter to open the door. The daughter complied. The neighbor entered and directed NE#2 and NE#4 to follow. NE#2 asked the neighbor to bring the children to the front, but the neighbor said the son was disabled. The officers entered, met the son and daughter in the living room, and asked about their wellbeing. They said they were fine and unhurt. NE#2 and NE#4 exited the apartment.

The Complainant alleged a violation of her Fourth Amendment rights. NE#2 reapproached the Complainant and said he performed a welfare check on her children. The Complainant was uncuffed. WO#1 told her she was handcuffed because the person she called could have interfered with the investigation.<sup>6</sup> NE#2 said the situation would have been quickly resolved had the Complainant voluntarily showed her children to the officers.

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<sup>5</sup> During the Complainant’s detainment, NE#2 and NE#4 continually knocked on her apartment door, identified themselves, and asked the children to open the door, but no one responded.

<sup>6</sup> WO#1’s incident report also stated that the Complainant calling “an unknown person to address officers” posed a safety concern.



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## **D. OPA Interviews**

### Complainant

On June 5, 2024, OPA interviewed the Complainant. Her interview statements were consistent with her OPA complaint and statements captured on BWV. She said she called a friend while detained so the friend could witness the officers searching her apartment.

### **1. Witness Officers**

#### Witness Officer #2

On August 29, 2024, OPA interviewed WO#2, a second watch officer. WO#2 noted familiarity with the Complainant based on several disturbance calls. WO#2 said she responded to a disturbance call and spoke with the Complainant, who complained about the police frequently appearing at her apartment when there were no issues. WO#2 said she declined to investigate further because the Complainant was escalated and said she gets overwhelmed and loud due to her disabled son.

#### Witness Officer #1

On September 5, 2024, OPA interviewed WO#1.<sup>7</sup> WO#1 said he was the primary officer on the call. WO#1 recalled contacting third-floor residents, who reported no disturbance. Given their responses and second watch officers clearing the prior 911 call, WO#1 decided further investigation was unnecessary, but NE#1 overruled that decision. WO#1 said he contacted the Complainant on the fourth floor and then spoke with other residents, who reported hearing children scream and possible child abuse. However, WO#1 believed he lacked exigency to enter the Complainant's apartment without a warrant because the residents did not report new disturbances after second watch officers cleared the prior 911 call. WO#1 said he wanted to document the incident, but NE#1 overruled him again. WO#1 said the officers decided to enter the Complainant's apartment. WO#1 recalled handcuffing the Complainant because she tried to interfere with their investigation.

### **2. Named Employees**

#### Named Employee #1

On August 25, 2024, OPA interviewed NE#1, WO#1's field training officer. NE#1 said she overruled WO#1's decision to leave, despite WO#1's findings on the third floor. NE#1 also said she overruled WO#1's decision only to document the incident because WO#1 did not adequately investigate the child abuse allegations and needed to check on the children. NE#1 emphasized the importance of seeing the children because, at the time, she did not know the extent of the son's disability, meaning he could have been incapable of calling for help. NE#1 said she would have been comfortable leaving without seeing the children had second watch officers seen them. NE#1 said the officers detained the Complainant for reasonable suspicion of child abuse based on the residents' statements and the Complainant refusing to show her children. NE#1 believed handcuffing the Complainant was warranted because she disobeyed NE#3 and called someone whose intentions were unknown to the police. NE#1 believed the officers lawfully entered the Complainant's apartment under the community caretaking exception to ensure the children were unharmed.

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<sup>7</sup> WO#1 no longer works for SPD. NE#1 separated from SPD about two weeks after OPA received the complaint in this case.



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Named Employee #2

On August 29, 2024, OPA interviewed NE#2, whose statements were consistent with the abovementioned evidence. NE#2 also noted that officers needed to see the children because witnesses reported child abuse, second watch officers did not see them, and one child was believed to be disabled and nonverbal. NE#2 said the Complainant exited her apartment and went to the laundry room, so he and NE#4 knocked on her door and asked the children to open it.

Named Employee #3

On July 14, 2024, OPA interviewed NE#3, whose statements were consistent with the abovementioned evidence. NE#3 also noted that a delay between the two 911 calls did not dissipate the need for a community caretaking check. NE#3 expressed concern about the children's safety because the officers did not hear them, the Complainant refused to show them, and the Complainant barely opened her door, preventing the officers from seeing inside the apartment. NE#3 said he handcuffed the Complainant for officer safety and because she refused to hand over her phone, constituting obstruction.

Named Employee #4

On August 25, 2024, OPA interviewed NE#4, whose statements were consistent with the abovementioned evidence.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion***

The Complainant alleged that NE#1 and NE#3 unlawfully detained her.

*Terry stops are seizures of an individual and, as such, must be based on reasonable suspicion to be lawful. SPD Policy 6.220-POL-2(1). A Terry stop is a brief, minimally intrusive seizure of a subject based on reasonable articulable suspicion to investigate possible criminal activity. SPD Policy 6.220-POL-1. Reasonable suspicion means specific, objective, articulable facts, which, taken together with rational inferences, create a well-founded suspicion that there is a substantial possibility that a subject has engaged, is engaging, or is about to engage in criminal conduct. Id. The reasonableness of a Terry stop is based on the totality of the circumstances, the officer's training and experience, and what the officer knew before the stop. Id. While information learned during the stop can lead to additional reasonable suspicion or probable cause that a crime occurred, it cannot justify the original stop. Id.*

WO#1, with NE#1's approval, and NE#3 had sufficient reasonable suspicion to detain the Complainant during their child abuse investigation. Two independent witnesses on different floors reported consistent accounts about threats, yelling, and sounds indicative of hitting. Upon police contact, the Complainant was noncooperative, refused to show her children, and demanded the officers obtain a warrant. NE#1 and NE#3 neither saw nor heard from the children, heightening officers' concerns about their safety. The totality of these facts suggested possible criminal activity, justifying the Complainant's detention.

Accordingly, OPA recommends 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 #2**

***6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies***

The Complainant alleged that NE#1, NE#2, and NE#4 unlawfully entered her apartment without a warrant.<sup>8</sup>

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1). The need to protect or preserve life, avoid serious injury, or protect property in danger of damage may justify an entry that would otherwise be illegal absent an emergency. SPD Policy 6.180-POL-1. A community caretaking search does not require probable cause but must be motivated solely by the perceived need to render aid or assistance. *Id.* Officers will act under a community caretaking role in emergency action, not in their evidence-gathering role. *Id.* An officer may conduct a warrantless community caretaking search when (1) the officer has a subjective belief that someone likely needs assistance for health or safety concerns; (2) a reasonable person in the same situation would similarly believe there is a need for assistance; (3) there is a reasonable basis to associate the need for assistance with the place searched; (4) there is an imminent threat of substantial bodily injury to persons or substantial damage to property; and (5) a specific person or property needs immediate help for health or safety reasons. *Id.*

OPA finds NE#2 and NE#4, with NE#1's approval, lawfully entered the Complainant's apartment under the community caretaking exception to the warrant requirement. First, the officers believed the Complainant's two children may have needed assistance based on child abuse allegations. Second, two independent witnesses on different floors—CM#1 and CM#2—reported consistent accounts about the Complainant yelling, threatening, and possibly hitting her children around the same time. Third, the witnesses identified the Complainant's apartment as the source of the disturbance. Fourth, several facts suggested there was an imminent threat of harm to the children. Two witnesses reported hearing a disturbance that evening. In fact, one witness was so concerned that she called 911. Second watch officers responded but did not see the children, and a second 911 call 50 minutes later from another resident was possibly associated with the first 911 call. The officers reasonably believed the calls were related—even though the second disturbance was reportedly on a floor below the Complainant's—since the reported disturbance location was near the Complainant's apartment. Moreover, CM#1 and CM#2 reported disturbances that were ongoing and frequent. Thus, the officers reasonably concluded that the children were in imminent danger of harm. See RCW 71.05.020(29) (defining "imminent" as the "state or condition of being likely to occur at any moment or near at hand, rather than distant or remote"). Fifth, the witnesses and the officers identified two children who possibly needed immediate help for health or safety reasons.

While OPA finds that NE#2 and NE#4 lawfully entered the apartment under the community caretaking exception, OPA also notes the officers' repeated attempts to resolve the situation without resorting to an entry. First, the Complainant declined WO#1's request to see her children at her front door. Second, the officers would have left had second watch officers verified the children's safety when they responded to the first 911 call. The children's status remained unknown since no officer saw them. Third, after the daughter opened the door for the officers, NE#2 asked the neighbor to bring the son and daughter to the front door. NE#2 and NE#4 only entered after they were told the son was disabled. These facts suggest the officers were motivated to protect the children and acted in a community caretaking role, not in an evidence-gathering role. Once NE#2 and NE#4 verified the children's wellbeing in the living

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<sup>8</sup> NE#2 and NE#4 entered the Complainant's apartment, not NE#1. However, because NE#1 directed WO#1 to see the Complainant's children before leaving, NE#1 essentially approved a warrantless entry into the apartment.





room, they immediately exited. They did not search for evidence of a crime in the apartment. Overall, a preponderance of the evidence shows NE#2's and NE#4's warrantless entry was justified under the circumstances.

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

Recommended Finding: **Not Sustained – Lawful and Proper**

**Named Employee #2 – Allegation #1**

***6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies***

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained – Lawful and Proper**

**Named Employee #3 – Allegation #1**

***6.220 – Voluntary Contacts, Terry Stops & Detentions, 6.220-POL-2 Conducting a Terry Stop, 1. Terry Stops are Seizures Based Upon Reasonable Suspicion***

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

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

**Named Employee #3 – Allegation #2**

***6.220 – Voluntary Contacts, Terry Stops, and Detentions, 6.220-POL-2 Conducting a Terry Stop, 2. During a Terry Stop, Officers Will Limit the Seizure to a Reasonable Scope***

The Complainant alleged that NE#3 unlawfully handcuffed her.

Officers must limit a seizure to a reasonable scope. SPD Policy 6.220-POL-2(2). Actions that indicate to a reasonable person that he or she is being arrested or indefinitely detained may convert a *Terry* stop into an arrest. *Id.* The policy lists possible actions, such as handcuffing, that could indicate to a reasonable person that he or she is being arrested. Still, it specifies that the occurrence of any one of these actions would not necessarily convert a *Terry* stop into an arrest. *See id.* Officers must have additional articulable justification for further limiting a person's freedom during a *Terry* stop unless the reasons for the initial stop justify it. *Id.*

NE#3 had additional justification for handcuffing the Complainant. She disobeyed NE#3's command when he ordered her to stop calling an unknown person and directing that unknown person to head toward her apartment. NE#3 had legitimate safety concerns for the officers there because of this person's intentions. NE#3 also had concerns about this person potentially interfering with the investigation. Finally, NE#3 explained he was justified in handcuffing the Complainant because, when he went to take her phone away, she physically obstructed him. Handcuffing the Complainant was justified under these circumstances.





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

Recommended Finding: **Not Sustained – Lawful and Proper**

**Named Employee #4 – Allegation #1**

***6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies***

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained – Lawful and Proper**