



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 8, 2024

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

CASE NUMBER: 2024OPA-0269

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.410 – Domestic Violence Investigation, 15.410-POL-2. Officers Make Arrests with Probable Cause	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) responded to a domestic violence (DV) call and arrested Community Member #1 (CM#1). The Complainant—CM#1's husband—alleged that NE#1 should not have arrested CM#1.

ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified Witness Supervisor #1 (WS#1) failing to screen a handcuff discomfort complaint. OPA sent WS#1's potential violation of SPD Policy 8.400-POL-2(2) (effective May 19, 2023) (Sergeants Will Screen Complaints of Handcuff Discomfort) to his chain of command for Supervisor Action.¹

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 July 16, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On June 11, 2024, the Complainant submitted an OPA complaint. He expressed disagreement with NE#1's decision to arrest CM#1, despite being told that NE#1 had to comply with certain procedures. He believed CM#1 was treated like a criminal when she was transported to a hospital while restrained and hoped the matter could have been taken care of in a more human and dignified manner.

¹ Supervisor Actions generally involve a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



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

On June 9, 2024, at 6:53 PM, CAD call remarks noted, “1 MIN[UTE] AGO, [REPORTING PARTY]’S WIFE HIT HIM IN THE FACE, WIFE IS ON THE FLOOR NOW. FIRE NOT RESPONDING.”

NE#1’s BWV captured NE#1 responding to the Complainant’s home. An officer described to NE#1 the parties’ accounts of the incident. The officer said CM#1 lost her son two years ago and, since then, had violent rages. The officer said CM#1 tried to strike the Complainant with tongs but then punched his face, causing him “considerable pain.” The officer said the Complainant, in response, pushed CM#1, causing her to fall and lose consciousness. NE#1 interviewed CM#1. She said the Complainant drank, continually nagged her, and became upset because she donated money to a church. She said she “beat him up” by striking his face. She said the Complainant then threw her to the ground, causing her to lose consciousness. NE#1 interviewed the Complainant. His account of the physical altercation was consistent with CM#1’s. NE#1 reapproached CM#1 and asked whether she punched the Complainant’s face. CM#1 said, “Yeah, to shut his mouth.” CM#1 said she punched him once. NE#1 handcuffed CM#1 and escorted her to a patrol vehicle where she was Mirandized.

On June 14 and 28, 2024, OPA interviewed the Complainant. He said he called 911 to request medical aid for CM#1, who possibly lost consciousness from falling. He said he did not expect the police to respond. He said CM#1 grieved her son’s passing and experienced mental health episodes associated with traumatic brain injury. He said he did not want CM#1 arrested, believing it was an inappropriate decision.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

15.410 – Domestic Violence Investigation, 15.410-POL-2. Officers Make Arrests with Probable Cause

The Complainant alleged that NE#1 should not have arrested CM#1.

An officer must arrest a person without a warrant when the officer has probable cause to believe the person is age 18 or older and assaulted a family or household member within the preceding four hours, and the officer believes a felonious assault occurred, an assault occurred resulting in bodily injury to the victim (whether visible or not), or any physical action occurred intending to cause another person reasonably to fear imminent serious bodily injury or death. SPD Policy 15.410-POL-2. When the officer has probable cause to believe family or household members assaulted each other, the officer does not have to arrest both people. *Id.* The officer must arrest the person whom the officer believes to be the primary physical aggressor, considering that the primary physical aggressor is not always the person who struck first, the intent to protect DV victims, the comparative extent of injuries inflicted or serious threats creating fear of physical injury, and the DV history of each person involved, including whether the conduct was part of an ongoing pattern of abuse. *Id.*

Under SPD policy, which is consistent with Washington State law, CM#1’s arrest was unavoidable once NE#1 established probable cause for DV. CM#1 was over age 18 and punched the Complainant—a family or household member—within four hours of her arrest. NE#1 had no reason to doubt the veracity of the parties’ accounts since they were consistent. Moreover, CM#1 twice admitted to assaulting the Complainant. The Complainant’s reaction to



being assaulted suggested self-defense. Since there were no facts dispelling probable cause for DV, SPD policy mandated CM#1's arrest. N#1's discretion was constrained under these circumstances.

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

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