




CLOSED CASE SUMMARY

ISSUED DATE: JUNE 30, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0297

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 3	16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity	Not Sustained - Unfounded

Named Employee #4

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper
# 3	6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest	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.



EXECUTIVE SUMMARY:

The Complainant found herself locked out of her apartment building and called 911 for her one-year-old child (Child #1), who was alone inside her apartment next to an open window. The named employees (NE#1 through NE#4) arrived at the scene, secured Child #1, and investigated the incident, which ultimately resulted in the Complainant's arrest. Further investigation led to the Complainant's unarrest. Later that same day, the Complainant was involved in a vehicular collision while the named employees remained on scene. The Complainant alleged that NE#1 acted unprofessional and escalated the situation; that NE#4 conducted an unthorough investigation and lacked probable cause for her arrest; that NE#2 and NE#3 failed to intervene during her unlawful arrest and failed to remove NE#1 from the scene; and that the named employees exhibited bias against her due to her race and economic status. Finally, OPA alleged that NE#3 failed to activate his body-worn video (BWV) upon his arrival.

ADMINISTRATIVE NOTE:

On June 25, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint

On July 13, 2024, NE#2 submitted an OPA complaint on the Complainant's behalf. NE#2 wrote that officers were dispatched to a hazard call involving Child #1 and subsequently handled a vehicular collision involving the Complainant. NE#2 wrote that the Complainant accused NE#1 of being racist and biased. On July 26, 2024, OPA interviewed the Complainant. She explained that the weather was hot that day and her building lacked air conditioning, so she opened her window, which had a faulty mechanism, was missing a screen, and was improperly installed. She said she placed a bookcase near the window to prevent her children from accessing it, as property management failed to address the issue. She explained the circumstances leading to her being locked out of the apartment building, which was consistent with her statements captured on BWV, as detailed below. Her allegations have been described above.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, BWV, incident and supplement reports, and police traffic collision report. In addition to interviewing the Complainant, OPA also interviewed the named employees.

B. Computer-Aided Dispatch (CAD) Call Report

On July 13, 2024, at 4:46 PM, CAD call remarks noted, "CALLER REPORTING THAT SHE IS LOCKED OUT OF HER [BUILDING], AND HER [ONE YEAR OF AGE] SON IS CURRENTLY HANGING OUT THE WINDOW."



C. Body-Worn Video (BWV)

BWV captured the following two incidents:

1. Apartment Lockout

NE#1, along with backing officers, went through an alley and reached the side of an apartment building, where Child #1 was seated beside an open window on the second floor. NE#1 requested the Complainant to move to the front of the building. She did not comply with this request. NE#1 repeated his request with a raised voice, which led her to reply, "Yeah. Don't yell at me, though." She requested NE#1 to refrain from having an attitude and to respond with compassion. In a raised voice, NE#1 instructed, "Go get your kid!" She again insisted that NE#1 stop yelling at her. NE#1 told her that officers were going to force entry and again instructed her to retrieve her child. She told a backing officer that she preferred not to engage with NE#1. NE#1 and the backing officers stayed by the window as she walked away from them.



The image above was taken from NE#1's BWV. Child #1 was seated beside the open window.

Seattle Fire Department (SFD) employees arrived with a ladder, but the Complainant managed to enter her apartment and secure Child #1.

NE#4, the primary officer, investigated the incident. NE#4 entered the office of the building adjacent to the Complainant's apartment and reviewed security camera footage with NE#1, backing officers, and a building employee (Community Member #1 or CM#1). The camera appeared to have captured the alleyway and the Complainant's window. NE#1 described his observations. NE#1 said the Complainant drove away in her vehicle while the window was closed at 3:57 PM. NE#1 said the window began to open as the Complainant returned and parked her vehicle at 4:32 PM. NE#1 said the Complainant exited her vehicle with a young girl (Girl #1), looked up at the window, approached the front entrance, returned to the window, texted for a while, and called 911 at 4:40 PM. The officers and CM#1 discussed their observations of the window opening and closing throughout the day. NE#4 wondered about whether the Complainant's older son (aged 17) was present or expected to be present in the apartment. NE#1



mentioned that after the Complainant returned and lingered in the alley, her younger son (aged six) exited the front entrance and ran to the Complainant. NE#4 said the Complainant tried to have her son (aged six) help her because she was locked out, but he mistakenly exited the building, leaving Child #1 alone in the apartment.

NE#4 approached the apartment's front entrance and told NE#3 that he had probable cause for reckless endangerment based on the Complainant leaving Child #1 and another child (aged six) unattended for at least 30 minutes while retrieving Girl #1. NE#4 screened the incident with NE#2, a sergeant. Due to their uncertainty regarding the whereabouts of the Complainant's older son (aged 17), NE#2 advised NE#4 to interview him as a witness. NE#2 believed NE#4 would have probable cause for third-degree child endangerment if the son (aged 17) had not been instructed to supervise Child #1.

NE#2, NE#3, and NE#4 went to the Complainant's apartment. NE#4 interviewed the Complainant's older son (aged 17), who said he was not home because he had gone paintballing. He said the Complainant and his other siblings were home during his absence, but he returned home to find a firetruck outside. NE#4 screened this information with NE#2 outside the apartment. NE#4 then interviewed the Complainant in the hallway, with NE#2 and NE#3 present. NE#4 confronted her with video evidence showing her driving away. She said her son (aged 17) was in the apartment—a statement that NE#4 disputed based on the son's claim that he had gone paintballing. She expressed uncertainty and claimed he must have misunderstood. NE#4 said he believed she had driven away to retrieve Girl #1. She asked whether NE#4 reviewed the footage from the front of the apartment building, to which NE#4 replied that he only reviewed footage from the alleyway. She then confirmed that Child #1 and her son (aged six) were in the apartment and that her older son (aged 17) was absent. She said her vehicle was parked in front of the building because she was allowing Girl #1 and her grandma to enter, which could be verified by the front-facing cameras. NE#4 stated, "So, my issue with that is the timeline." NE#4 requested clarification on where she had driven off to at 3:57 PM, to which she replied that it was her "business." She then invoked her right to remain silent and attempted to reenter her apartment. NE#3 and NE#4 told her that she was under arrest for child abandonment—a charge she disputed. NE#3 handcuffed her, after which NE#4 Mirandized her.

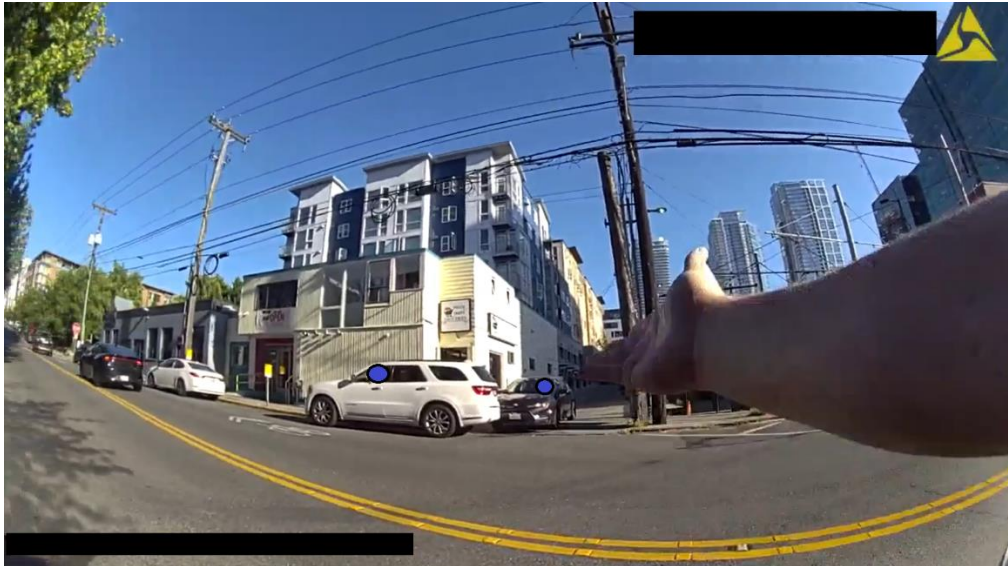
The Complainant repeated her request for the officers to review footage from the front of the apartment building, where she claimed to be located. She said the alleyway camera did not capture the full story. After NE#2 said Child Protective Services (CPS) would assume custody of her children, the Complainant revoked her right to remain silent. She explained that she had moved her vehicle from the rear to the front of the building to assist Girl #1's grandmother in transferring Girl #1's beach items into her own vehicle. She said she then drove her vehicle to the rear of the building and realized that she did not have her key, so she called her older son (aged 17), who said he was not home. She said she called out to her younger son (aged six) through the window and asked him to drop the key. She said he misunderstood her request by exiting the building and approaching her. She said she called 911 since Child #1 was alone in the apartment. She said the apartment cameras would corroborate her account and urged NE#4 to contact the property manager to access the footage. She maintained that she had never driven away from the premises. NE#4 commented that her account was an "important" piece of information that, if verified, would present a "completely different story" than what the officers were led to believe.



NE#4 screened this new information with NE#2. NE#4 opined that the Complainant's account was credible. NE#2 said the incident should be screened with CPS. NE#4 returned to the Complainant and uncuffed her. She then provided the property manager's phone number.¹

2. Vehicular Collision

Later that same day, the Complainant, while driving her sister's vehicle, reversed into the front right side of Community Member #2's (CM#2) vehicle. NE#1 and a backing officer were present when this occurred.²



The image above was taken from NE#1's BWV. The Complainant drove Sister #1's white vehicle, while CM#2 drove the black vehicle.

The Complainant and CM#2 drove the vehicles into the alley and parked them there. The Complainant exited Sister #1's vehicle, escalated and expressed her unwillingness to engage with NE#1. NE#1 instructed her to provide her license, insurance, and registration information to CM#2. NE#1 warned her that failure to do so would result in the accident being classified as a hit-and-run. NE#1 also instructed her to communicate with CM#2, not NE#1. She replied, "Then get on. Kick rocks with your racist ass." She said she would exchange information with CM#2 without NE#1 present. NE#1 told CM#2 that the Complainant was "mad." She accused NE#1 of being a "racist mother fucker" and shaking hands with a "mother fucker" who called her a racial slur and spat on her.³ NE#1 again instructed her to exchange information with CM#2 or she would face arrest for hit-and-run.

The Complainant approached her apartment window, where Sister #1 also began to shout at NE#1. NE#1 told Sister #1 that he saw and heard the Complainant strike CM#2's vehicle. The Complainant again accused NE#1 of being a

¹ NE#4's incident report stated, "We were unable to gain access to cameras while on scene and so were unable to confirm or disprove [the Complainant's] story."

² NE#1 claimed to have witnessed the collision. According to NE#1, the Complainant was recording him on her phone and shouting at him while failing to focus on reversing.

³ The Complainant appeared to be referring to CM#1 as a "mother fucker." BWV captured NE#1 shaking CM#1's hand outside at the end of their interaction.



“racist mother fucker” and asked whether NE#1’s BWV was activated, which he confirmed it was when she struck CM#2’s vehicle. She called NE#1 a “lying bitch ass mother fucker.” Sister #1 told NE#1 to “go do something that’s more important.” NE#1 responded to Sister #1 that the Complainant needed to provide her insurance, license, and phone number. The Complainant asked why NE#1 was counseling CM#2 on a traffic violation, to which NE#1 cited the law and a misdemeanor. She accused NE#1 of “antagonizing” her and failing to de-escalate. She demanded NE#1 to leave because he was “nothing but an escalator” and a “racist ass piece of shit.” She provided CM#2 with registration and insurance documentation but said she did not have her license with her since she was only moving Sister #1’s vehicle.

NE#2 arrived at the scene and requested the Complainant to move away from NE#1, which she did. She explained the circumstances of the accident but denied fault, claiming that CM#2 was required to stop while she reversed. She asked NE#2 to instruct NE#1, a “racist,” to leave. NE#2 facilitated the exchange of information between the Complainant and CM#2. The Complainant did not present her driver’s license because she claimed it was in her apartment, but she refused to retrieve it. She claimed it was a valid license and asked NE#2 to run her name. Sister #1 went to the scene and requested a police report. The Complainant requested the same. Sister #1 urged NE#2 to be unbiased about the incident, to which the Complainant replied that all the officers were biased and racist. NE#2 said a report would be prepared but no one would be cited. NE#2 asked whether the Complainant wished to submit a complaint, to which she said she would like one submitted against NE#1. NE#2 took the Complainant aside and said he would submit a complaint on her behalf.

Sister #1 inspected and photographed the damage to CM#2’s vehicle and then asked whether any officer witnessed the collision. NE#1 said he observed the Complainant take out her phone, record him while reversing, stared at him, and strike CM#2’s vehicle. The Complainant then raised her phone toward NE#1 and seemingly started a live recording of him on social media. She repeated prior claims of bias and racism and followed NE#1 as he walked to his patrol vehicle. She also accused NE#1 of favoring CM#2. NE#1 then entered the patrol vehicle and deactivated his BWV.

D. OPA Interviews

Named Employee #1

On November 14, 2024, OPA interviewed NE#1. He said he raised his voice at the Complainant when instructing her to move to the front of the building due to the “threat to the kid.” He did not believe he yelled at her. He expressed concern that if SPD or SFD forced entry, it could startle Child #1 and cause him to fall from the window. He said he stopped engaging her because she responded more favorably to the other officers. He denied being biased in any way. He said he did not review camera footage from the front of her apartment building because he had no reason to believe she was there. He said he remained outside to de-escalate while the other officers went to her apartment. He said he re-engaged her after witnessing her reversing into CM#2’s vehicle. He said he de-escalated by maintaining his distance, speaking in a calm and neutral tone, directing her to exchange information, requesting NE#2 to supervise the exchange, and allowing her to yell at him. NE#1 said he warned her with a possible arrest for hit-and-run because she drove away from the collision scene without exchanging information with CM#2.

Named Employee #2

On November 14, 2024, OPA interviewed NE#2. He said officers reviewed security footage showing that the Complainant had driven away in her vehicle and was absent for about an hour. He said she was arrested when she could not provide a satisfactory explanation for her absence. He said the investigation changed course after she provided her account and insisted that there were security cameras at the front of the apartment building, although the officers were unable to access this footage at the time. He said officers typically do not have immediate access to



security footage due to employees being unavailable or employees who are untrained in operating security systems. He said he did not remove NE#1 from the scene because he needed all officers present in case the situation escalated. He denied being biased against her. He said their investigation reflected the officers' commitment to ensuring Child #1's safety. He believed the outcome of the investigation was fair, objective, and reasonable.

Named Employee #3

On June 12, 2025, OPA interviewed NE#3. He said he had minimal interaction with the Complainant, which only consisted of handcuffing her and physically intervening between NE#1 and the Complainant to de-escalate their interaction. He denied being biased against her or observing any officer treating her differently due to bias. He said her economic status had no impact on their investigative decisions. He said CPS was notified about this incident only because the officers were required to report it.

Named Employee #4

On November 14, 2024, OPA interviewed NE#4. He characterized the Complainant as "not forthcoming" and providing inconsistent explanations for the approximately 30 minutes she was away from her apartment. He said the footage from the alleyway showed her driving away to an unknown location. He said other footage was inaccessible at the time. He said her initial account was questionable based on her timeline, as she claimed to have briefly exited to let Girl #1 into the building. He believed this claim contradicted the roughly 30 minutes she was absent from her apartment, as evidenced by the footage he reviewed. He said she was uncuffed after she expanded on her account, which he deemed credible and diminished his probable cause. He denied being biased against her in any way.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 acted unprofessionally and escalated the situation.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* Employees will avoid unnecessary escalation of events, even if those events do not end in reportable uses of force. *Id.* 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 anyone. *Id.*

OPA does not find that NE#1's conduct was unprofessional or escalatory. When NE#1 raised his voice at the Complainant, the scene was chaotic, and she was not complying with his instruction to move to the front of the building to assist officers in retrieving Child #1. While NE#1 was certainly stern with her, he did not shout at her. NE#1 also de-escalated the situation by remaining outside while other officers went to her apartment to investigate the incident. Furthermore, NE#1 only re-engaged the Complainant after he observed her striking CM#2's vehicle. NE#1's arrest warning for hit-and-run was not unprofessional, as it accurately described the consequences if she refused to exchange information. NE#1 attempted to facilitate the exchange of information between the parties, but the Complainant became agitated and repeatedly berated NE#1. NE#1 did not reciprocate with hostility. NE#1 told OPA that he de-escalated by maintaining his distance, speaking in a calm and neutral tone, directing her to exchange information, requesting NE#2 to supervise the exchange, and allowing her to yell at him. BWV showed that these



actions were accurate. The Complainant even followed NE#1 and presumably recorded him as he began walking away from the alley. Finally, the Complainant commented that NE#1 was unprofessional for wearing jeans. However, NE#1 was a field training officer supervising a student officer at the time, so he was not required to be in full uniform. Moreover, NE#1 was wearing a police vest with an activated BWV, meaning he was clearly identifiable as a police officer. In review of the totality of the circumstances, more likely than not, OPA did not find NE#1's conduct unprofessional based on the evidence.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #1 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that the named employees exhibited bias against her due to her race and economic status.

Biased policing means the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws, as well as other discernible personal characteristics of an individual. SPD Policy 5.140-POL. It includes different treatment based on race or economic status. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning discernible personal characteristics. *See* SPD Policy 5.140-POL-2.

This allegation is unfounded. BWV showed the named employees investigating the apartment lockdown, the potential danger of a child falling, and the vehicular collision. In the first incident, the named employees reviewed camera footage and interviewed the Complainant and her older son (aged 17) to investigate the circumstances surrounding Child #1 being left unsupervised for about 30 minutes. The facts they gathered guided their decision to arrest the Complainant, who was later released following additional investigation. There was no indication of bias impacting their first investigation. In the second incident, the named employees facilitated the exchange of information between the Complainant and CM#2. Although the Complainant felt that the named employees disproportionately focused on her during the exchange, their attention on her was due to her conduct, which included a vehicular collision and agitation at the scene. They did not favor CM#2 over the Complainant. In fact, NE#2 opted against a citation, despite having the authority to do so. He told the Complainant and Sister #1 that a police report would be prepared but no citations would be issued, further demonstrating his intent to de-escalate the situation. There was no indication of bias impacting their second investigation, in review of the evidence, based on the totality of the circumstances.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**



Named Employee #2 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #2 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#2 and NE#3 failed to intervene during her unlawful arrest and failed to remove NE#1 from the scene.

As noted below, the Complainant’s arrest was initially supported by probable cause, so NE#2 and NE#3 were under no obligation to intervene in what she characterized as an unlawful arrest. Despite the Complainant’s repeated requests for NE#1’s removal, NE#2 and NE#3 were under no obligation to remove NE#1 from the scene, as he was a backing officer involved in the investigation into a possible child abandonment incident. Furthermore, NE#2 and NE#3 had no reason to remove NE#1 during the vehicular collision investigation. NE#1 observed the collision and was neither antagonistic nor escalatory. As noted above, NE#1 maintained his distance from the Complainant and demonstrated de-escalatory behavior. OPA finds NE#2’s decision to keep NE#1 at the scene—believing that all officers were necessary in case the situation escalated—was reasonable under the circumstances. Overall, OPA did not find evidence indicating conduct that undermined public trust in the department or the officers.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #3 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #3 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

For the reasons at Named Employee #2 – Allegation #2, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**



Named Employee #3 – Allegation #3

16.090 – In-Car and Body-Worn Video, 16.090-POL-2 Sworn Employees Recording Police Activity, 2. When Sworn Employees Record Activity

OPA alleged that NE#3 failed to activate his BWV upon his arrival.

When safe and practical, sworn employees will record police activity, even if the event is out of view of the camera. SPD Policy 16.090-POL-2(2). Police activity includes, among other things, dispatched calls, starting before the employee arrives on the call to ensure adequate time to turn on cameras. *Id.*

Initially, OPA could not locate NE#3's BWV. However, during NE#3's OPA interview, OPA learned that he had inadvertently taken the BWV belonging to another officer, whose serial number resembled his own. OPA verified that NE#3 uploaded BWV footage under that officer's serial number. Considering the understandable mistake, OPA finds that this allegation is unfounded.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #4 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

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

Recommended Finding: **Not Sustained – Unfounded**

Named Employee #4 – Allegation #2

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

The Complainant alleged that NE#4 conducted an unthorough investigation.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*

OPA finds that NE#4 conducted a thorough investigation, which involved reviewing camera footage from the alleyway, interviewing the Complainant and her older son (aged 17), and screening the investigation with NE#2. Although the Complainant urged NE#4 to review camera footage from the front of the apartment building, there were several issues with her request. First, the significance of this footage was not immediately apparent to NE#4 before she invoked her right to remain silent. NE#4 saw her driving away in a vehicle but was unaware of her destination. She did not clearly articulate that she drove her vehicle from the rear to the front of the building. All she indicated before invoking her right to silence was that her vehicle was in the front of the building, which she claimed could be corroborated by the front-facing cameras. This limited explanation did not account for the approximately 30 minutes she was believed to



be away from the apartment. Second, NE#2 and NE#4 maintained that this footage was unavailable at the time. NE#2 told OPA that officers typically do not have immediate access to camera footage due to employees being unavailable, which appeared to be the case here since the officers could not locate the property manager. Third, the mere failure to review all camera footage would not necessarily render the entire investigation unthorough, as NE#4 explored alternatives to obtain a complete picture. Specifically, NE#4 asked the Complainant directly about her whereabouts, as this was a crucial piece of information for the investigation. In response, the Complainant provided an incomplete account and subsequently invoked her right to remain silent. Under the circumstances, OPA finds that NE#4 collected the most common evidence that might be encountered in this type of investigation.

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

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

Named Employee #4 – Allegation #3

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#4 lacked probable cause to arrest her for child abandonment.⁴

Sworn employees must have probable cause that a subject committed a crime before executing an arrest. SPD Policy 6.010-POL-1. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within a sworn employee's knowledge sufficiently 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).

NE#4 had probable cause for third-degree child abandonment. Camera footage from the alleyway showed the Complainant driving away to an unknown location and returning about a half hour later. Camera footage also showed the Complainant's window opening and closing during this period. According to statements from the Complainant and her older son (aged 17), only her younger son (aged six) and Child #1 were in the apartment at the time. Although the Complainant alluded to her vehicle being parked in front of the apartment building, she did not articulate where she had gone when questioned by NE#4. Instead, she stated that where she had gone was her business and subsequently invoked her right to remain silent. At this point, NE#4 was unaware of the Complainant's claim that she merely reparked her vehicle from the rear to the front of the building for loading purposes. The Complainant did not account for about 30 minutes of absence. NE#4 attempted to obtain this missing—but crucial—piece of information from the Complainant, but her limited explanation of her vehicle's location was inadequate, and she ultimately declined to clarify the timeline.

Based on these facts, NE#4 reasonably believed the Complainant had driven away from the apartment, retrieved Girl #1 from another location, and left her son (aged six) and Child #1 (1 year old) unattended for about 30 minutes. NE#4 also reasonably believed her absence created an imminent and substantial risk of substantial bodily harm to Child #1, as he could have fallen from the open window. The risk was so serious that the Complainant felt compelled to call 911 for assistance. Before executing the arrest, NE#4 also screened the investigation with NE#2, who ultimately approved

⁴ A parent is guilty of third-degree child abandonment if the parent recklessly abandons the child, and the abandonment creates an imminent and substantial risk of substantial bodily harm to the child. *See* RCW 9A.42.080.



the arrest. OPA finds that, at this point, the Complainant's arrest was supported by probable cause, which only required a reasonable belief that a crime had occurred based on the facts and circumstances known to NE#4. It did not need to be conclusive of guilt, nor did it need to exclude the possibility of innocence. All that was required was a reasonable probability, given the totality of the evidence.

Following her arrest, the Complainant expanded on her account, claiming that she had moved her vehicle to transfer Girl #1's beach items into her own vehicle. She then claimed that she returned to the rear of the building, only to realize that she had left her key in her apartment. This new information, which was not disclosed to NE#4 at the time of her arrest, undermined NE#4's probable cause because it did not indicate abandonment. If her claim were true, it would suggest that the Complainant merely stepped out to retrieve Girl #1 and her items and did not intend to be away for an extended period. NE#4 found this claim credible and subsequently uncuffed her. OPA finds that NE#4's decision to unarrest the Complainant was lawful and proper once his probable cause dissipated.

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

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