



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 31, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0428

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	15.220 – Child Welfare, 15.220-POL-7. Officers Take Custody of Abused or Neglected Children	Not Sustained - Lawful and Proper (Expedited)
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper (Expedited)
# 3	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	15.220 – Child Welfare, 15.220-POL-7. Officers Take Custody of Abused or Neglected Children	Not Sustained - Lawful and Proper (Expedited)
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Lawful and Proper (Expedited)
# 3	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (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:

The named employees (NE#1 and NE#2) responded to a hospital and placed Community Member #1 (CM#1), a minor, into protective custody. After consulting with Child Protective Services (CPS), which found insufficient facts to justify the protective custody, the named employees released CM#1 to her sister. The Complainant, CM#1's mother, alleged that the named employees lacked probable cause for the protective custody placement, conducted an unthorough investigation, and were biased against her based on her race, housing situation, and disability.

### ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified the named employees failing to screen a bias allegation from the Complainant with a supervisor. OPA sent the named employees' potential violation of SPD Policy 5.140-POL-5



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(Employees Will Call a Supervisor in Response to Allegations of Bias-Based Policing) to their chain of command for Supervisor Action.<sup>1</sup>

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 employees. As such, OPA did not interview the named employees in this case.

On December 9, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

**SUMMARY OF INVESTIGATION:**

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 November 4, 2024, CAD call remarks noted a hospital requesting assistance from law enforcement. The hospital sought to place CM#1 into protective custody due to injuries inflicted by the Complainant, resulting in multiple hospital admissions. CAD call remarks noted CM#1's intent to commit suicide if she were returned to the Complainant.

NE#2's incident report documented a conversation between the named employees and CM#1's physician at the hospital. According to the report, the physician said that CM#1 was admitted due to an Involuntary Treatment Act detainment following an argument with the Complainant, after which CM#1 indicated that she would step into traffic. The physician, along with hospital staff, expressed concerns for CM#1's well-being, citing unmet basic and medical needs, her sixth visit to the hospital, her homeless status, a purported history of abuse, threats of self-harm following an argument with the Complainant, and CPS involvement.

BWV captured the named employees contacting CM#1 in a patient room. She disclosed that she was hospitalized for mental health reasons. The Complainant then entered the room and became increasingly agitated. She refused to allow CM#1 to be questioned separately, threatened legal action, and claimed that CM#1 was a victim of sex trafficking. NE#2 inquired about CM#1's basic needs. CM#1 revealed that she and the Complainant had been homeless for about a year, had not seen a doctor in some time, and had not attended school recently. However, she said she would be willing to return to the Complainant if the Complainant ceased yelling. The Complainant swore at NE#2 and accused him of racism. The named employees eventually transported CM#1 to the North Precinct, where NE#2 screened the incident with a sergeant and CPS. The sergeant agreed with the named employees' decision to place CM#1 into protective custody, while a CPS supervisor disagreed, asserting that CM#1's claims did not amount to abuse or neglect. However, the CPS supervisor recommended CM#1 be placed with another family member. CM#1's sister consented to take in CM#1, after which the named employees transported CM#1 to her sister's residence.

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<sup>1</sup> A Supervisor Action generally involves 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).



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**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***15.220 – Child Welfare, 15.220-POL-7. Officers Take Custody of Abused or Neglected Children***

The Complainant alleged that the named employees lacked probable cause for the protective custody placement.

Officers may take a child into custody without a court order under RCW 26.44.050 if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050. SPD Policy 15.220-POL-7.

Despite a CPS supervisor's disagreement with the probable cause determination, OPA finds that the named employees established sufficient probable cause to place CM#1 into protective custody based on consistent statements from hospital staff and CM#1. CM#1's physician reported that CM#1 had been admitted to the hospital six times within six weeks, during which CM#1 indicated that her basic needs—such as food, hygiene, medical and dental care, and education—were unmet. The physician also reported that CM#1 was homeless and may have experienced abuse, triggering a CPS case. CM#1 partially corroborated these claims despite the Complainant's repeated interruptions during CM#1's interview. A sergeant briefed on the incident also agreed with the named employees' decision to place CM#1 into protective custody. The totality of these facts indicated that CM#1 may have been abused or neglected and that obtaining a court order before taking her into custody could result in further harm.

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**

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

The Complainant alleged that the named employees 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.*

The named employees conducted a thorough investigation that involved interviewing hospital staff, CM#1, and the Complainant. These statements informed their decision to place CM#1 into protective custody. They also screened the incident with a sergeant and a CPS supervisor. This collaboration informed their decision to release CM#1 to a family member. Overall, the named employees' investigative decisions were lawful and proper under the circumstances.

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 #3**

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

The Complainant alleged that the named employees were biased against her based on her race, housing situation, and disability.

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, homelessness, and disability 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 captured the named employees interviewing CM#1 and the Complainant to assess CM#1's wellbeing and determine whether there were adequate grounds for a protective custody placement. Questions about CM#1's housing situation and education were pertinent to whether her basic needs were being met. The named employees did not ask any questions relating to race or disability. Additionally, the original motivation to place CM#1 in protective custody came from CM#1's physician, not either officer. Overall, there was no evidence of any bias impacting their investigation.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained – Unfounded (Expedited)**

**Named Employee #2 – Allegation #1**

***15.220 – Child Welfare, 15.220-POL-7. Officers Take Custody of Abused or Neglected Children***

For the reasons articulated in 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 #2 – Allegation #2**

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

For the reasons articulated in Named Employee #1 – Allegation #2, 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 #2 – Allegation #3**

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

For the reasons articulated in Named Employee #1 – Allegation #3, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained – Unfounded (Expedited)**