



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 15, 2025

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

CASE NUMBER: 2024OPA-0445

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	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 (Expedited)
# 2	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:

Named Employee #1 (NE#1) responded to an intersection, where the Complainant reportedly stood in traffic while dangling her daughter (Daughter #1) in adverse weather conditions. NE#1 subsequently arrested the Complainant for criminal mistreatment. The Complainant alleged that NE#1 lacked probable cause for the arrest and was biased against her due to her mental health condition.

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

On January 9, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the complaint by reviewing body-worn video (BWV) and the incident and supplement reports. OPA also interviewed the Complainant via email.

According to BWV footage and police reports, on November 10, 2024, SPD officers, including NE#1, responded to an intersection, where the Complainant, Daughter #1, and Community Member #1 (CM#1) were located. CM#1 reported that, while driving, she noticed the Complainant pacing in traffic, speaking to herself, and holding Daughter #1, who was wearing only a diaper, in a manner resembling a doll. Concerned about the dark, cold, and rainy conditions, CM#1 intervened by taking Daughter #1 to the sidewalk and wrapping her in a blanket. The Complainant explained that she refrained from contacting the police because Daughter #1's father monitored her phone and had threatened their



lives. Officers subsequently arrested the Complainant for criminal mistreatment,¹ placed Daughter #1 in protective custody, and notified Child Protective Services, which later assumed custody of Daughter #1.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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#1 probable cause for her arrest.

Sworn employees must have probable cause that a subject committed a crime when 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#1's incident report outlined the rationale behind the arrest, stating, "I believe that [the Complainant's] actions created a situation in which [Daughter #1] was deprived of basic shelter and clothing and put [Daughter #1] in imminent and substantial risk of death or great bodily harm from the elements and vehicle traffic. I believe that [the Complainant] failed to meet the standard of care that should have been provided and that a reasonable person would have recognized the risk that was created by her behavior." There was sufficient evidence supporting this rationale. An independent witness—CM#1—observed the Complainant in the street holding Daughter #1 in a manner akin to dangling a doll during adverse weather conditions, prompting CM#1 to intervene to protect Daughter #1. Although NE#1 could have opted for an Involuntary Treatment Act detainment due to the Complainant's apparent crisis, his decision not to do so did not undermine the probable cause for criminal mistreatment. NE#1 also screened the arrest with a supervisor, who expressed no objections. NE#1 established sufficient probable cause for the arrest.

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

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

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 NE#1 was biased against her due to her mental health condition.

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 mental illness. *See id.* Officers are forbidden from making decisions or taking actions influenced by bias and expressing prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

¹ A parent is guilty of second-degree criminal mistreatment if she, with criminal negligence, either (a) creates an imminent and substantial risk of death or great bodily harm by withholding any of the basic necessities of life, or (b) causes substantial bodily harm by withholding any of the basic necessities of life. *See* RCW 9A.42.030(1).



OPA found no evidence supporting the Complainant's interpretation of mistreatment based on mental illness. NE#1's investigation included interviewing the relevant parties and evaluating the physical evidence. NE#1 also tried to obtain evidence corroborating the Complainant's assertion that Daughter #1's father had threatened their lives. Ultimately, NE#1 established sufficient probable cause for criminal mistreatment. No statements or actions were identified that indicated bias against the Complainant's mental health condition.

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

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