



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 5, 2019

CASE NUMBER: 2019OPA-0217

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	15.220 - Child Welfare - 6. Officers Take Custody of Runaway Children and Children in Dangerous Circumstances	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 alleged that the Named Employee failed to take her juvenile son into custody after she called the police and reported him as a runaway.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employee. As such, the Named Employee was not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

15.220 - Child Welfare - 6. Officers Take Custody of Runaway Children and Children in Dangerous Circumstances

On April 8, 2018, Named Employee #1 (NE#1) and his partner were dispatched to a crisis call at Seattle Children’s Hospital. The call concerned a 16-year-old juvenile subject who reportedly was refusing to go inside the facility for a mental health evaluation. Additional remarks associated with the call included information that the parents were waiting at the hospital and that hospital security was walking with the juvenile subject. Upon arrival, hospital staff told NE#1 and his partner that the juvenile subject’s mother used a ruse to bring him to the hospital for a mental health evaluation by telling him that he had a dermatologist appointment. Once the juvenile subject discovered the mother’s true intentions, he refused to go inside of the hospital and ran away. Shortly thereafter, NE#1 and his partner located the juvenile subject walking alone on a nearby street. NE#1, who is trained in handling crisis issues, approached the juvenile subject and had a conversation with him. During this conversation, NE#1 asked the juvenile subject to explain what happened, was able to gain insight into the juvenile subject’s mental status and confirmed that the juvenile subject did not have an active plan to harm himself or others. Prior to ending his conversation with the juvenile subject, NE#1 radioed his partner to determine whether there was any legal reason that would allow NE#1 to detain the juvenile subject.



NE#1's partner told him: "Negative, he arrived here with his parents today for an appointment and just walked out." At that point, NE#1 broke contact with the juvenile subject and allowed the juvenile subject to walk away by himself.

The Complainant called 911 to report that the juvenile subject had run away from the hospital and that SPD officers who initially responded to the scene failed to bring him back to the hospital. Dispatch remarks associated with this call included information that the juvenile subject was in crisis and that he was a first-time runaway. By the time a second set of officers was able to respond to this call, several hours had passed and hospital staff told the responding officers that the juvenile subject's parents had located their son.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) associated with this incident. OPA found the video to be congruent with the information described above.

OPA further interviewed the Complainant. The Complainant told OPA that she reported the juvenile subject as a runaway and said that she wanted him brought back to the hospital so that he could receive the mental evaluation she believed he needed. The Complainant stated that she was afraid of the juvenile subject and that his mental state appeared to be getting worse. The Complainant was frustrated by being told by one of the officers who initially responded (identified by OPA as NE#1) that he could not force the juvenile subject to return to the hospital. The Complainant explained that after she waited for a period of time for the juvenile subject to return the hospital after NE#1 and his partner left, she called 911 for assistance a second time. The Complainant then explained to OPA that fortunately her husband located the juvenile subject in Renton. The Complainant lamented to OPA that the police are supposed to help and protect, but on the day of this incident that did not happen.

SPD Policy 15.220-POL-6 provides guidance for when officers have the authority to take runaway children into protective custody. As an overarching matter, officers may only do so where they can establish that the child is in dangerous circumstances. The policy defines dangerous circumstances as a subjective assessment within the discretion of the officer. Among the factors to be considered when determining dangerous circumstances are: the child's physical condition; the environment where the child is encountered; and the time of day and situation where the child is encountered. The policy further notes that where an officer, who is acting in good faith, fails to take a child into custody, that officer is immune from any subsequent liability.

As discussed above, NE#1 made an assessment, based on evaluation of and discussions with the juvenile subject, that the juvenile subject was not in dangerous circumstances. Based on a review of the evidence, including the BWV, OPA cannot say that this determination was unreasonable. The juvenile subject did not appear to be in crisis or otherwise in distress, his physical condition seemed largely normal, he was not in a dangerous area, and the contact was made in daytime hours. Given that NE#1 determined that the juvenile subject was not in dangerous circumstances, he was not compelled by policy to take the juvenile subject into custody.

Moreover, NE#1 relied on his training to determine that the juvenile subject was not in crisis and did not pose an imminent risk to himself or others. Accordingly, NE#1 had no legal basis to detain the juvenile subject to the Involuntary Treatment Act. Notably, hospital staff agreed that there was an insufficient basis to detain the juvenile subject, which lends further support for a finding that NE#1 acted reasonably here.



Ultimately, OPA concludes that NE#1's actions, which were based on his determination that the juvenile subject was not in dangerous circumstances and did not pose an imminent threat of harm to himself or others, were reasonable and consistent with policy. In reaching this decision, OPA emphasizes with the Complainant's frustrations. However, OPA finds that NE#1 acted in good faith and within the contours of policy and the expectations of the Department. For these, I recommend that this allegation be Not Sustained – Lawful and Proper.

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