



Community Caretaking Exception

In case [2018OPA-0353](#), the named employees entered a residence without a warrant. They said the seizure was permitted based on the “community caretaking” exception to the warrant requirement. However, community caretaking is not mentioned in SPD Manual Policy 6.180 – Searches-General. Rather, this policy permits an entry based on exigent circumstances. The “community caretaking” exception is different and applies when the need to protect or preserve life, avoid serious injury, or protect property in danger of damage justifies an entry that would otherwise be illegal. This exception does not need to be supported by facts amounting to probable cause – it simply requires the officer to perceive a need to render aid or assistance.

The named employees’ entry into the residence would have been justified by the “community caretaking” exception to the warrant requirement under Washington State law. However, their conduct does not fit under any of the exceptions outlined in 6.180, so they technically violated Department policy. Instead of issuing a Sustained finding to officers who did the right thing, OPA recommended a finding of Not Sustained - [Management Action Recommendation](#), and suggested that the policy be modified to include a “community caretaking” exception.

Bias Reviews & Complainant “Satisfaction”

OPA conducted an [investigation](#) concerning the Bias-Free Policing policy following multiple cases where supervisors failed to demonstrate the complainant was “satisfied.” In several cases, sergeants deemed a complainant “satisfied” even though the complainant either walked away, did not respond to the sergeant, or did not request an OPA referral.

OPA recognizes that complainant “satisfaction” is subjective and difficult to satisfy. While the Bias-Free Policing policy is explicit in its requirements, OPA determined that sergeants were not actually being trained to obtain complainant “satisfaction” prior to submitting a Bias Review, which put them at odds with the policy.

Consequently, OPA issued a [Management Action Recommendation](#) suggesting that the Department remove the complainant “satisfaction” language from the policy and instead permit a Bias Review if there is no evidence of misconduct, no request for an OPA referral, and OPA contact information is shared. OPA believes these changes will increase internal and external accountability and provide sergeants with clearer expectations.

Misconduct During Off-Duty Work

In case [2017OPA-1036](#), the named employee was alleged to have used racial slurs and threatened violence against an African-American man while working an off-duty job. OPA attempted to interview the employee, but he refused to cooperate and resigned prior to the completion of the investigation. Nonetheless, OPA recommended that allegations of biased policing and professionalism be Sustained. Sustained findings were also recommended for noncompliance with the off-duty employment policy with regard to obtaining a permit and notifying a supervisor of off-duty work.

If you have questions, feedback, content requests, or to add/remove your name from this distribution list, please contact either Andrew Myerberg, OPA Director, at andrew.myerberg-OPA@seattle.gov, or Anne Bettesworth, OPA Compliance, Policy, and Research Manager, at anne.bettesworth@seattle.gov.

