



## Expectation of Privacy in a Tent

OPA investigated a case in which the Named Employee (NE) and other officers responded to a report of an assault and rape near the “Jungle.” The officers entered the encampment and began searching for the involved individuals. The NE asked the other officers if there was “a way to just walk through the tents to see if anybody is in there.” They told him that there was not and to “treat it like a house.” The NE then used his knife to cut a hole and look inside several tents, even though he did not know the exact location of the suspect(s).

The NE’s primary argument was that his actions were justified by the exigent circumstances exception to the search warrant requirement. However, OPA concluded that exigent circumstances would have required probable cause to believe that immediate entry was needed to prevent harm to the public or officers. OPA found that the NE did not meet this standard here. In making this decision, OPA relied on the decisions in *State v. Pippin* (expectation of privacy in a tent, even when on public land) and *State v. Wolters*.

OPA [ultimately recommended](#) sustaining the allegation that the NE violated the SPD search warrant requirement policy. Although his good intentions were recognized, OPA must also acknowledge that such behavior—if unaddressed—has the potential to undermine community trust and confidence.

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## “Precinct Office Hours”

Based on a suggestion from a patrol Lieutenant, OPA will be piloting a concept being referred to as “precinct office hours.” This will entail Director Myerberg coming to each precinct for a day and being available to have discussions, address employee concerns, answer questions, etc. Director Myerberg is currently finalizing the schedule for his first two visits, which will likely take place in June at the South and Southwest precincts from 0900 to 2100 hours. The other three precincts will be scheduled shortly thereafter.

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## Compliance with Bias Review Process

OPA reviews each Bias Review completed by a Department supervisor to determine whether there is any indication of bias in the underlying incident, as well as to verify that a Bias Review, rather than an OPA referral, was the appropriate course of action. To complete a Bias Review, a

supervisor must complete two steps: (1) the supervisor must determine that there is no evidence of bias on the part of the involved officers; (2) the supervisor must provide OPA's contact information to the subject and "explain to the person making the allegation the option to refer the complaint to OPA." Where either step is not completed, a Bias Review is inappropriate and an OPA referral is required. OPA has recently evaluated several Bias Reviews in which it was unclear whether there was compliance with the second step. OPA strongly suggests that supervisors clearly explain in their Bias Reviews that they satisfied this step, including stating that they explained the OPA option.

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](mailto:andrew.myerberg-OPA@seattle.gov), or Anne Bettesworth, OPA Compliance, Policy, and Research Manager, at [anne.bettesworth@seattle.gov](mailto:anne.bettesworth@seattle.gov).

