



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0272

Issued Date: 02/23/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 Searches - General (Policy that was issued prior to 01/1/15)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 Searches - General (Policy that was issued prior to 01/1/15)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 Searches - General (Policy that was issued prior to 01/1/15)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 Searches - General (Policy that was issued prior to 01/1/15)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

Named Employee #5	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 Searches - General (Policy that was issued prior to 01/1/15)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #6	
Allegation #1	<u>Seattle Police Department Manual</u> 6.180 Searches - General (Policy that was issued prior to 01/1/15)
OPA Finding	Not Sustained (Lawful & Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

Seattle Police Department employees were twice called to the witness' residence. The initial responding employees were told by the witness that the complainant had assaulted her. The witness had visible injury to her face. The witness stated that the complainant lived in the basement but that he was no longer present. The initial responding employees reported that probable cause existed to arrest the complainant for Harassment and Assault and that there was an extraditable felony warrant for him. Later that evening, the witness reported that the complainant had returned to the residence. The named employees responded. Named employee #6 tried talking the complainant into leaving the residence. While negotiations with the complainant continued, the complainant escaped through a window. The complainant was taken into custody approximately 1 hour later after an area search.

COMPLAINT

The complainant alleged that he was unlawfully arrested based on what another person said with no substantiated evidence. The complainant further alleged that the named employees had no legal authority to be in the home without a warrant.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint letter
2. Interview of the complainant
3. Interview of Witnesses
4. Interview of SPD employees
5. Review of In-Car Videos

ANALYSIS AND CONCLUSION

Based on the evidence, the named employees had probable cause to arrest the complainant as he was suspected of committing injury to the witness and there was a felony warrant for his arrest regarding another event. The complainant had left the residence prior to the initial responding employees so they could take no action. When the named employees were later called to the home, they responded with the intent to arrest the complainant. As this was the second response by police to the residence that day, safety of the witness was of concern to the named employees. Police may conduct an immediate, warrantless search or seizure under emergency conditions, if there is probable cause to believe that delay in getting a warrant would result in the loss of evidence, escape of the suspect, or harm to police or public.

FINDINGS

Named Employee #1

The weight of the evidence showed that the named employees had probable cause to make the arrest and they were concerned about the safety of the witness, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Searches - General*.

Named Employee #2

The weight of the evidence showed that the named employees had probable cause to make the arrest and they were concerned about the safety of the witness, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Searches - General*.

Named Employee #3

The weight of the evidence showed that the named employees had probable cause to make the arrest and they were concerned about the safety of the witness, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Searches - General*.

Named Employee #4

The weight of the evidence showed that the named employees had probable cause to make the arrest and they were concerned about the safety of the witness, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Searches - General*.

Named Employee #5

The weight of the evidence showed that the named employees had probable cause to make the arrest and they were concerned about the safety of the witness, therefore a finding of **Not Sustained** (Unfounded) was issued for *Searches - General*.

Named Employee #6

The weight of the evidence showed that the named employees had probable cause to make the arrest and they were concerned about the safety of the witness, therefore a finding of **Not Sustained** (Lawful & Proper) was issued for *Searches - General*.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.