



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 24, 2020

CASE NUMBER: 2020OPA-0145

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.180 - Searches-General 2. There are Specific Exceptions to the Search Warrant Requirement	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 made an improper warrantless entry into his apartment.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, 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.

In addition, during its intake investigation, OPA found that the Named Employee's report lacked certain relevant information. Specifically, the report did not fully explain the legal basis for her warrantless entry into the Complainant's apartment, as well as did not set forth the facts supporting her belief that the Complainant presented an imminent risk of harm or death to himself. These issues were referred back to the Named Employee's chain of command to be handled via a Supervisor Action.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

6.180 - Searches-General 2. There are Specific Exceptions to the Search Warrant Requirement

Named Employee #1 (NE#1) and another officer were dispatched to the Complainant's home in order to perform a welfare check on him. The request was made by a social worker who had been unable to reach the Complainant by phone. The Complainant suffered from a significant medical disorder and had not attended recent appointments with a medical specialist.

When the officers arrived at the Complainant's residence, they noticed packages outside of his front door. The other officer knocked on the Complainant's door, but he did not respond. The officers spoke to a neighbor who said that he had not recently seen the Complainant. The neighbor provided the officers with the name and phone number of the onsite property manager. NE#1 called and spoke with the property manager. The property manager said that she would come to the apartment. While waiting for the property manager, NE#1 spoke to another neighbor who



stated that she did not know the Complainant. NE#1 then spoke to a third neighbor, who lived next door to the Complainant. The third neighbor stated that she had not seen the Complainant for four to five days.

When the property manager arrived, she and NE#1 walked up to the Complainant's apartment. NE#1 and the property manager both knocked. NE#1 additionally rang the doorbell. The property manager then opened the door and allowed NE#1 access. When NE#1 opened the door, she remarked that it was very hot in the apartment. When she called out for the Complainant, he responded, and she found him sleeping on the floor in a back room. NE#1 asked him if he was okay and he asked her what day it was. NE#1 queried the Complainant concerning when he last ate, and he said that he did so one or two days ago. NE#1 asked the Complainant whether it was normal for him to be sleeping during the day and he said that he thought he was going to get fired because he was having trouble functioning at work. NE#1 offered to have the Seattle Fire Department (SFD) come to the scene and the Complainant agreed. The Complainant put on underwear, walked out of his bedroom, and told NE#1 that he wanted her to go. He began to get upset and again asked her to go. She asked him if he had food in the fridge and he said that he did not and that he would eat at work. He did not respond to her question concerning whether he was, in fact, going to go to work. He said that he was not intending on harming himself and NE#1 subsequently left the apartment. NE#1 called SFD and told them that the Complainant did not want medical attention. NE#1 spoke further with the property manager and then left the scene.

SPD Policy 6.180 concerns searches and, specifically, those types of searches that are justified by an exception to the general requirement of a search warrant. One such exception is community caretaking. This allows a warrantless entry into a residence when an officer believes that a subject inside is in imminent danger of harm or death.

Based on a review of the totality of the evidence available to NE#1, OPA finds that she met the standard for community caretaking and, thus, that her entry into the residence was legally justified. First, NE#1 was aware that the Complainant suffered from at least one significant medical condition and had not been attending medical appointments. Second, there were packages outside of his door, his neighbors had not seen him for days, and he did not respond when the officers and the property manager knocked on his door and rang his doorbell. Given this, it was reasonable for NE#1 to believe that the Complainant could be in imminent risk of harm or, in a worst-case scenario, deceased. Her entry was permissible to determine that this was not the case.

Notably, when NE#1 did enter the apartment and interacted with the Complainant, she was extremely kind and caring. She genuinely was trying to help him even though the Complainant did not want her assistance. Lastly, while the Complainant repeatedly requested that she leave, NE#1 was permitted to remain in the apartment long enough to determine that there was no imminent risk. She left the apartment when it was appropriate to do so.

For the above reasons, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

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