



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 10, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0116

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.180 - Searches-General. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Lawful and Proper (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

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:

Officers responded to a potential suicide attempt at the Complainant's home. The Complainant alleged that Named Employee #1 (NE#1) and other officers entered his home unlawfully and that Named Employee #2 (NE#2)—an unknown officer—taunted the Complainant and called him a “motherfucker.”

ADMINISTRATIVE NOTE:

This case was approved for an Expedited Investigation. That means OPA, with the Office of Inspector General's agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

OIG certified this investigation as thorough and objective on April 21, 2023. OIG declined to certify it as timely solely because the five-day notice required under the Seattle Police Officer Guild (SPOG) Collective Bargaining Agreement (CBA), due March 21, 2023, was sent on April 13, 2023. OPA acknowledges the five-day notice was untimely but respectfully disagrees that the delay rendered the entire investigation untimely, particularly when the named employees were unknown when the five-day notices were due. Moreover, the classification notification naming the only identified employee was timely served.



SUMMARY OF INVESTIGATION:

The Complainant told OPA that his sister called 9-1-1 to report that the Complainant was attempting suicide. The Complainant denied that allegation and claimed the responding officers broke into his home and grabbed his legs, forcing the Complainant to “defend” himself. The Complainant also claimed that an officer called him a “motherfucker” and told him they could detain him even longer because they did not like him.

OPA opened an intake investigation. During the intake, OPA reviewed the complaint, computer-aided dispatch (CAD) call report, incident report, and body-worn video (BWV). OPA also interviewed the Complainant.

The CAD and incident report reflected two 9-1-1 calls concerning the Complainant attempting to overdose on pills. The CAD call remarks also noted that the Complainant said if officers came to his home, he would “make them shoot him.” After the first call, the Seattle Fire Department (SFD) requested SPD to secure the scene before SFD arrived. CAD call updates also indicated that the Complainant’s psychologist told 9-1-1 dispatchers that the Complainant had texted threatening to overdose. CAD call updates also showed a domestic violence assault call involving the Complainant earlier that day and the Complainant threatening suicide if police responded.

NE#1 wrote the incident report, documenting that, after screening the first 9-1-1 call with a sergeant, police left the scene.

NE#1 also documented SPD’s response to a second 9-1-1 call. The Complainant’s sister called, reporting that she was on the phone with the Complainant, who she said was slurring words and repeatedly falling. NE#1 wrote that officers returned to the scene, formed a contact plan, and entered the Complainant’s home for community caretaking due to the reported suicide attempt. NE#1 documented the Complainant struggling with officers and assaulting an officer. NE#1 documented recovering medications from the Complainant’s home consistent with those reported in the CAD remarks.

OPA also reviewed BWV and did not observe officers being unprofessional, calling the Complainant a “motherfucker,” or taunting the Complainant.

OPA called the Complainant to conduct an intake interview. The Complainant declined to have the interview recorded. During the interview, the Complainant declined to provide further information. The Complainant also said he did not recall filing an OPA complaint. The Complainant said he was in crisis around the time in question and no longer wanted to pursue an OPA complaint.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

6.180 - Searches-General. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

The Complainant alleged that NE#1 and other officers “broke into” his home.

SPD forbids warrantless searches unless an exception applies. See SPD Policy 6.180(1). Warrantless “community caretaking” searches are permitted when (1) the officer subjectively believes someone likely needs assistance for



health or safety reasons, (2) they attempt to rouse anyone who may be unconscious before entering, (3) there is an objective need for assistance, (4) the place searched is associated with the need for the search, (5) there is an imminent threat of substantial bodily injury or substantial property damage, and (6) a specific person or property needs immediate health or safety assistance. See SPD Policy 6.180-POL-12(1).

Here, OPA reviewed the documents related to the complaint, including BWV and SPD policies. The incident report, BWV, and the Complainant's voicemail to OPA referenced a 9-1-1 call from the Complainant's family member saying he was suicidal and tried to overdose on sleeping pills. Similarly, the CAD call report referenced communication with the Complaint's psychologist, who also advised that the Complainant texted "about overdose." Based on that information, NE#1 and other responding officers had an exceptional circumstance, allowing for a warrantless entry into the Complainant's home for community caretaking.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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

Named Employee #2 - Allegation #1

5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#2—an unknown officer—called him a "motherfucker" and threatened to detain him for an extended time because NE#2 did not like the Complainant.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language derogatory, contemptuous, or disrespectful toward any person." *Id.*

Here, OPA's BWV review found no officer call the Complainant a "motherfucker." Instead, officers were professional. There was no BWV of the officer and Complainant at the hospital, as SPD policy generally forbids recording in a medical facility. See SPD Policy 16.090-POL-2(3) (Recording in Sensitive Areas). Moreover, the Complainant said he did not want to pursue a complaint. Without further information from the Complainant, the evidence reviewed by OPA indicates the alleged misconduct did not occur.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**