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**Issued Date:** APRIL 26, 2024

**From:** Deputy Director Bonnie Glenn on Behalf of Director Gino Betts, Jr.  
Office of Police Accountability



**Case Number:** 2023OPA-0489

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

- 1. Allegation #1:** 6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies  
**Finding:** Not Sustained - Lawful and Proper (Expedited)
- 2. Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional  
**Finding:** Not Sustained - Unfounded (Expedited)

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### **Named Employee #2**

- 1. Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional  
**Finding:** Not Sustained - Unfounded (Expedited)
- 2. Allegation #2:** 6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies  
**Finding:** Not Sustained - Lawful and Proper (Expedited)

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**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:**

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to an Airbnb where the Complainant appeared to be in crisis. The Complainant alleged the named employees unlawfully entered her house and threatened her.

**Administrative Note:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General’s (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On December 5, 2023, OIG certified OPA’s investigation as thorough, timely, and objective.

**Summary of Investigation:**

On October 30, 2023, the Complainant filed an online OPA complaint, writing that the police unlawfully entered her house and threatened her.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA could not reach the Complainant for an interview.

On October 29, 2023, at 6:14 PM, CAD call remarks noted, “AIRBNB TENANT HAS LOCKED THE DOOR, STATING SHE WANTS TO KILL PEOPLE, NOT LETTING ANYONE INSIDE. NO [WEAPONS] KNOWN, BELIEVED TO BE HIGH.”

The named employees responded to the incident location and activated their BWV, capturing the following:

The named employees entered through the front door, and a disturbance could be heard. The named employees approached—but did not enter—the Complainant’s room where two residents were restraining the Complainant. NE#1 asked the residents to leave, and they complied. The Complainant was escalated and foaming at the mouth. The Complainant shouted at the named employees, demanding they go after the residents for assaulting her and breaking into her room. NE#1 asked the Complainant to calm down. The Complainant refused and slammed her door shut. NE#1 attempted to engage the Complainant through the door, telling her he would not enter, but the Complainant repeatedly demanded NE#1 to leave.

The named employees approached the living room and spoke to the other residents, who reported that the Complainant’s disturbances were ongoing for two weeks. NE#1 acknowledged that the disturbance was frightening but said he could not remove the Complainant because she was not a threat to anyone. The named employees exited the house after NE#1 advised the residents to obtain a court order or eviction.

NE#1’s incident report was consistent with the events captured on BWV.

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**Analysis and Conclusions:**

**Named Employee #1 – Allegation #1**

**6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies**

The Complainant alleged that the named employees unlawfully entered her house.

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1).

The named employees responded to a house having multiple residents. When the named employees approached the house, two residents at the front door consented to the named employees' entry. The named employees, following the sounds of the disturbance, approached but did not enter the Complainant's room. In fact, after the Complainant slammed the door on the named employees, NE#1 repeatedly told the Complainant he would not enter her room but wanted to speak to her through the door. The Complainant demanded NE#1 to leave, and NE#1 complied. Under these circumstances, the named employees lawfully entered the house but could not lawfully enter the Complainant's room.

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

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

**Named Employee #1 – Allegation #2**

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

The Complainant alleged that the named employees threatened her.

BWV captured the named employees' entire interaction with the Complainant. Neither NE#1 nor NE#2 threatened the Complainant. In fact, NE#1 repeatedly asked the Complainant to calm down and to speak to him—a request that the Complainant refused by slamming her door and demanding NE#1 to leave. No threats were captured on BWV.

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

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

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**Named Employee #2 – Allegation #1**

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

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

**Named Employee #2 – Allegation #2**

**6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies**

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

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