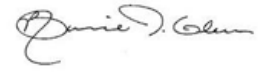

Issued Date: AUGUST 7, 2024

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



Case Number: 2024OPA-0098

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)

Named Employee #2

- 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-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Unfounded (Expedited)

Named Employee #3

- 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 - Unfounded (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 #4

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited
Finding: Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

In February 2024, Named Employee #1 (NE#1) and Named Employee #3 (NE#3) executed a search warrant—obtained by Named Employee #2 (NE#2)—at the Complainant’s apartment. The Complainant alleged that the warrant was “bogus,” and that NE#1 and NE#3 destroyed his property during their search. In September 2023, the Complainant was arrested due to active warrants. The Complainant alleged that NE#2 took his money after his arrest. The Complainant also alleged that Named Employee #4 (NE#4)—an unknown employee—has been harassing him.

Administrative Note:

During its intake investigation, OPA identified NE#2 as failing to direct his student officer to draft a certification of probable cause. OPA sent NE#2’s potential SPD Policy 15.150(I)(E) (Certification of Probable Cause) violation to his chain of command for Supervisor Action. Supervisor Action generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee’s supervisor. See OPA Internal Operations and Training Manual section 5.4(B)(ii). Additionally, OPA identified Witness Officer #1 (WO#1) as inaccurately documenting in a report the amount of the Complainant’s cash. OPA sent WO#1’s potential SPD Policy 15.180-POL-5 (Officers Shall Document all Primary Investigations on a Report) violation to his chain of command for Supervisor Action.

This case was approved for expedited investigation. That means 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 in this case.

On April 3, 2024, OIG certified OPA’s investigation as thorough, timely, and objective.

Summary of Investigation:

On February 10, 2024, the Complainant left OPA a voicemail, alleging that officers, with a “bogus” search warrant, entered and “destroyed” his apartment. The Complainant also alleged that officers took his money several months ago. Finally, the Complainant alleged that officers were harassing him.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), police reports, and search warrant documents. OPA also interviewed the Complainant.

On February 18, 2024, at 6:57 PM, CAD call remarks noted, “[REPORTING PARTY’S] BOYF[RRIEND]’S FRIEND PUSHED HER AND IS REFUSING TO GIVE HER HIS VEH[ICLE] KEYS. SUSP[ECT] IS HIGH... NOT [DOMESTIC VIOLENCE]. NO [WEAPONS] SEEN.”

NE#1, NE#2, and NE#3 responded to the incident location and activated their BWV, capturing the following:

Community Member #1 (CM#1)—the girlfriend of the Complainant’s friend—reported to the police that she was driving her boyfriend’s car and accompanied by the Complainant. CM#1 reported that the Complainant assaulted her, took her boyfriend’s car keys, and drove her to his apartment where she refused to enter and called 911. NE#1 and NE#3 arrested the Complainant and searched him but were unable to find the car keys he took from CM#1. NE#1, NE#2, and NE#3 went to the Complainant’s apartment, and Community Member #2 (CM#2)—the Complainant’s friend—opened the door. CM#2 searched for the car keys while the officers waited in the hallway. NE#2 escorted the Complainant to the front door of his apartment where he directed CM#2 to search specific spots for the car keys.

CM#2 was unable to find the car keys, and the Complainant refused to allow the officers to search his apartment. NE#2 applied for a search warrant.

NE#1 and NE#3 entered the Complainant’s apartment after a judge approved the search warrant. The apartment was in disarray. NE#1 and NE#3 searched for the car keys, looking through clothes, drawers, cupboards, bags, a musical instrument case, items on the floor, a backpack, a closet, a laundry basket, the bed, and boxes. NE#1 found the car keys in a drawer. NE#1 and NE#3 exited the Complainant’s apartment and handed the car keys to CM#1.

NE#1’s and NE#2’s police reports were consistent with BWV observations.

NE#2’s application for a search warrant was consistent with his police report and documented his belief that the car keys were in the Complainant’s apartment. On February 18, 2024, a Seattle Municipal Court judge approved NE#2’s warrant application. NE#2’s inventory and return of search warrant documented NE#1 and NE#3 finding two keys and returning them to CM#1. It also documented a copy of the return being left inside the Complainant’s apartment.

On February 22, 2024, OPA interviewed the Complainant. The Complainant believed the search warrant was “bogus” because his paperwork did not have the judge’s signature on it. The Complainant alleged that officers damaged his property, particularly his musical equipment, during their search. The Complainant said these officers arrested him last year and took his money. The Complainant also alleged that officers harassed him.

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 NE#1, NE#2, and NE#3 searched his apartment with a “bogus” warrant.

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

A neutral and detached judicial officer reviewed and approved NE#2's warrant application. A Seattle Municipal Court judge emailed NE#2, "I have reviewed the attached warrant. I approve the warrant. You have my authorization to affix my signature to the warrant." OPA found no issues with NE#2's warrant application. The search warrant was valid.

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 NE#1 and NE#3 damaged his property during their search.

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.*

BWV captured the Complainant's apartment in disarray as NE#1 and NE#3 entered it. NE#1 and NE#3 searched for roughly 16 minutes, looking through every conceivable spot that could contain car keys. Ultimately, BWV did not capture either officer damaging any item. Although they did not return several items to their original location, they were not required to do so under SPD policy.

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

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

Named Employee #2 – Allegation #1

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)**

Named Employee #2 – Allegation #2

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged that NE#2 took his money when he was arrested in September 2023.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

The September 2023 incident involved a neighbor calling the police to report that the Complainant threatened to kill him. The Complainant was arrested due to active warrants. An officer seized \$798 from the Complainant but entered it into evidence and documented it in his police report. OPA found no evidence suggesting NE#2 took the Complainant's money.

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

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

Named Employee #3 – Allegation #1

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)**

Named Employee #3 – Allegation #2

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 #4 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited

The Complainant alleged that NE#4—an unknown employee—has been harassing him.

SPD employees are prohibited from retaliating. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities, including, but not limited to, opposing any practice reasonably believed to be unlawful or in violation of SPD policy, or who otherwise engages in lawful behavior. *Id.* Retaliatory acts are defined broadly under SPD's policy and include discouragement, intimidation, coercion, or adverse action against any person. *Id.*

OPA found no evidence supporting the Complainant's belief that he was being harassed. Officers responded to two separate incidents involving the Complainant because community members reported crimes the Complainant allegedly committed against them. During his OPA interview, the Complainant declined to clarify how officers harassed him.

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

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