



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 14, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0181

Allegations of Misconduct & Director's Findings

Named Employee #1

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

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:

After reviewing this incident, the Seattle Police Department's Force Review Board (FRB) referred the named employee's (NE#1) potential policy violation to OPA. Specifically, FRB noted that NE#1 may have unlawfully searched a subject's office.

ADMINISTRATIVE NOTE:

On September 16, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Computer-Aided Dispatch (CAD) call report showed that on November 22, 2023, around 3:06 A.M., officers¹ were dispatched to Columbia Tower for a reported shooting: *"JUST NOW, 1 MALE FIRED A SHOT IN THE LOBBY, NO [INJURIES]."*

After the subject's arrest, NE#1 was dispatched to take custody of evidence recovered by Columbia Tower's staff.² NE#1's body-worn video (BWV) showed that he contacted a security officer upon arrival and said he was there to "pick up some stuff that was found after the incident." The building manager came and handed NE#1 an envelope reportedly containing pieces of the bullet the subject fired in the lobby. NE#1 asked about "a magazine and a holster." The manager said they were in the subject's leased office. NE#1 asked, "Do you want me to come up or wait here?" The manager replied, "You can come up," and led him to the subject's office. The office door was partially open. The manager entered, and NE#1 followed. Inside was "[a] makeshift bed, clothing, food on shelving, cook pots, etc." NE#1 searched, lifting a mattress, looking around a desk, and opening cabinets. He also searched a bin and a bag, saying, "I want to make sure there is no larger concern [about] a weapon."

¹ Eleven officers and three sergeants responded.

² NE#1 was dispatched at 4:43 A.M.



NE#1 moved and searched behind a chair.



He also searched a file cabinet.



NE#1 searched for around seven minutes. A holster and a loaded 9 MM magazine were found, collected, and logged as evidence.

On August 8, 2024, OPA interviewed NE#1. He said that shortly after his shift began, he was sent to pick up bullet fragments related to an arrest made by officers on the previous shift. NE#1 said he arrived and spoke with the building manager, who wanted NE#1 to search the subject's office for dangerous items since it was scheduled to be cleaned the next day. He indicated that he conducted a community caretaking search to clear the space of dangerous items. NE#1 insisted that the search was non-investigatory. He also believed Columbia Tower had terminated the subject's lawful access to the space, authorizing the building manager to consent to the search.



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 unlawfully searched an office.

Searches require a warrant unless an exception applies. See SPD Policy 6.180(1). Warrantless community caretaking searches are lawful in limited circumstances:

- The officer has a subjective belief that someone likely needs assistance for health or safety concerns.
- Officers will attempt to rouse suspected unconscious persons before conducting searches.
- A reasonable person in the same situation would similarly believe there is a need for assistance.
- There is a reasonable basis for associating the need for assistance with the place searched
- There is an imminent threat of substantial bodily injury to persons or substantial property damage.
- A specific person or persons or property needs immediate help for health or safety reasons.

There was no warrant exception justifying NE#1's search. While NE#1 suggested that he searched the office as a community caretaking courtesy to ease the building manager's fears about a cleaning crew being exposed to dangers or hazards, his BWV showed that it was NE#1 who first cautioned the manager about "biohazards" in the office. At that point, NE#1's gloves were on, and his search was underway. The manager said a cleaning crew would handle the "bile and stuff." They discussed which items NE#1 would remove from the office. The manager asked whether NE#1 would recover the loaded magazine. NE#1 replied, "We're taking the weapon stuff...Anything relative to the crime, of course, we'll take."

That exchange indicates that NE#1 was there in an investigatory capacity. He was sent there to collect evidence. NE#1 inquired about the subject's holster and magazine and searched the subject's office.

Similarly, while NE#1 told OPA that he believed the subject no longer had legal rights to the office and that the manager could consent to the search, BWV showed them discussing the subject's tenancy rights:

- NE#1: *So, what are your plans [for] this? I imagine there's some sort of emergency eviction process or lease termination.*
- Manager: *I already sent the reports and video [...] but never had authorization yet to cut [the subject's] card off.*

The exchange suggested that the manager intended to terminate the subject's access but had yet to secure the green light. NE#1 may have believed that the manager could authorize the warrantless search, but prudence required him to seek counsel from a supervisor for confirmation. Moreover, NE#1's belief that the subject resided in the office made the search more intrusive. A patrol officer with NE#1's experience³ should have displayed judgment consistent with

³ During his interview, NE#1 told OPA he had been an officer for 23 years.



training and policy. However, NE#1 possibly misunderstood the subject's tenancy rights since the manager indicated he would be evicted and not allowed to return.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral:

- Training Referral: NE#1's chain of command should review OPA's findings with him and conduct appropriate counseling or training. Any counseling or training should be uploaded and maintained in Blue Teams.

Recommended Finding: **Not Sustained - Training Referral**