



## CLOSED CASE SUMMARY

ISSUED DATE: APRIL 15, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0438

### 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 - Lawful and Proper (Expedited)

#### Named Employee #2

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 - Lawful and Proper (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:

The named employees (NE#1 and NE#2) responded to a domestic violence (DV) assault call after a 911 caller reported a disturbance originating from the Complainant's apartment, raising concerns of possible child abuse. The named employees entered the apartment without a warrant to evaluate the children's well-being. The Complainant alleged that the named employees searched her apartment without a warrant.

### ADMINISTRATIVE NOTE:

During its intake investigation, OPA identified NE#2 failing to notify the Complainant that she was being recorded. OPA sent NE#2's potential violation of SPD Policy 16.090-POL-2(1) (Notification of Recording) to his chain of command for Supervisor Action.<sup>1</sup>

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 December 12, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

<sup>1</sup> A Supervisor Action generally involves a minor policy violation or performance issue the employee's supervisor addresses through training, communication, or coaching. See OPA Internal Operations and Training Manual section 5.4(B)(ii).



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**SUMMARY OF INVESTIGATION:**

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA also corresponded by email with the Complainant.

On November 14, 2024, CAD call remarks noted a reporting party hearing a mother hitting her children. Shortly thereafter, an update noted the reporting party hearing impact sounds, along with children screaming, crying, and begging their mother to stop. CAD also noted an extensive DV history associated with the mother's apartment unit.

BWV captured the named employees arriving at the Complainant's apartment and listening outside for nearly two minutes. Indistinct voices of children were audible. NE#2 knocked on the door and said he needed to discuss a disturbance with the Complainant. The Complainant said she would speak through the door, which NE#2 declined and warned about a forced entry. The Complainant then opened the door but insisted that they required a warrant. The named employees dismissed her claim, stating their need to ensure the children's safety, and then entered. Inside, NE#2 found three children, confirmed their well-being, and returned to the doorway to speak with the Complainant. She claimed her Fourth Amendment rights were violated, while the named employees explained that their warrantless community caretaking entry was based on a 911 caller reporting a disturbance and emphasized their concern for the children's safety. The Complainant claimed that the children were merely playing. After NE#2 handed the Complainant a business card, the named employees exited the unit.

**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 searched her apartment without a warrant.

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

The need to protect or preserve life, avoid serious injury, or protect property in danger of damage may justify an entry that would otherwise be illegal absent an emergency. SPD Policy 6.180-POL-1. A community caretaking search does not require probable cause but must be motivated solely by the perceived need to render aid or assistance. *Id.* Officers will act under a community caretaking role in emergency action, not in their evidence-gathering role. *Id.* An officer may conduct a warrantless community caretaking search when: (1) the officer has a subjective belief that someone likely needs assistance for health or safety concerns; (2) a reasonable person in the same situation would similarly believe there is a need for assistance; (3) there is a reasonable basis to associate the need for assistance with the place searched; (4) there is an imminent threat of substantial bodily injury to persons or substantial damage to property; and (5) a specific person or property needs immediate help for health or safety reasons. *Id.*

The named employees had sufficient facts justifying their warrantless entry based on community caretaking grounds. A 911 caller reported hearing sounds indicative of child abuse, and dispatch noted an extensive DV history associated with the Complainant's apartment. The named employees could hear the children through the Complainant's door, but their condition remained unknown. Furthermore, the Complainant initially declined to open the door, only



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complying after being told that they would force entry. NE#2 conducted a brief search, which he promptly concluded upon locating the children and confirming their well-being. The named employees repeatedly told the Complainant that their primary concern was the children's safety. The totality of their response demonstrated their motivation to protect or preserve life, avoid serious injury, and render aid, justifying their warrantless entry.

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**

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

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

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