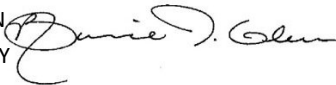




CLOSED CASE SUMMARY

ISSUED DATE: MAY 30, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2024OPA-0470

Allegations of Misconduct & Director's Findings

Named Employee #1

| Allegation(s): | | Director's Findings |
|----------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| # 1 | 5.300 – Patrol Ruses, 5.300-POL 2. Use of Patrol Ruses | Not Sustained - Training Referral |
| # 2 | 5.300 - Patrol Ruses, 5.300-POL 3. Documentation of Patrol Ruses | Not Sustained - Training Referral |
| # 3 | 6.180- Searches-General 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies | Sustained |

Imposed Discipline

Oral Reprimand and Re-training

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) responded to Community Member #1's (CM#1) apartment to execute an arrest for kidnapping. NE#1 used two patrol ruses to persuade CM#1 to exit his apartment. When CM#1 declined, NE#1 entered his apartment, guided him out, and arrested him. The Complainant, an assistant chief, alleged that NE#1 may have unlawfully entered CM#1's apartment and failed to consult a supervisor before using the patrol ruses. OPA also alleged that NE#1 failed to document the patrol ruses in his supplement report.

ADMINISTRATIVE NOTE:

On May 2, 2025, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

STATEMENT OF FACTS:

On December 31, 2024, the Complainant submitted an OPA complaint via Blue Team, alleging that NE#1 possibly conducted a warrantless search in violation of SPD policy and failed to consult a supervisor before using a patrol ruse. OPA also alleged that NE#1 failed to document his patrol ruses in his supplement report.



OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, incident and supplement reports, and body-worn video (BWV). OPA also interviewed NE#1. OPA was unable to reach CM#1 for an interview.

On December 23, 2024, at 7:23 PM, CAD call remarks noted, "HANDGUN[.] [REPORTING PARTY] WAS HIT AND STRANGLED, HAS BEEN GOING ON SINCE 12/19, SUSP[ECT] LAST SEEN 5-10 MIN[UTES] AGO, BELIEVED TO BE LEAVING PROPERTY ON FOOT, SUSP[ECT] CURRENTLY HAS A HANDGUN."

A witness officer prepared an incident report documenting the following information. It stated that CM#1 held a female juvenile against her will in his apartment for several days after she attempted to buy narcotics from him. The juvenile, who presented visible physical injuries, reported to the police that she had been assaulted, thrown to the ground, strangled, and possibly drugged during her abduction. The juvenile managed to escape when CM#1 went into the restroom. Officers were unable to locate CM#1 at his apartment, and the juvenile expressed concern that CM#1 was either absent or hiding. The juvenile was hospitalized for her injuries. A detective prepared a supplement report documenting the existence of probable cause to arrest CM#1 for first-degree kidnapping. It also mentioned that CM#1's whereabouts were unknown.

On December 27, 2024, at 5:20 PM, NE#1 and his backing officer logged to a follow-up call at an apartment building.

BWV recorded NE#1 and his backing officer arriving at CM#1's apartment. NE#1 knocked on the door several times yet received no reply. NE#1 knocked again and announced, "Mr. [CM#1]. It's Amazon. We got a delivery for you," but still, there was no reply. NE#1 knocked again and asked whether CM#1 was home. CM#1 asked who was present. NE#1 introduced himself as Seattle Police. CM#1 opened the door, held it open with his hand, and stated he was passed out. NE#1 and his backing officer remained at the doorway during their conversation with CM#1.

NE#1 requested CM#1 to step outside for a conversation. CM#1 asked for a moment, which NE#1 refused and stated they would enter. CM#1 denied them entry. NE#1 said the building manager was complaining about packages, so they wanted CM#1 to head downstairs to inspect them. NE#1 also said he could not allow CM#1 to retreat due to officer safety concerns. CM#1 asked whether there were any other matters to discuss, to which NE#1 replied no. CM#1 said their presence was scaring him. NE#1 again requested CM#1 to accompany them downstairs because the building manager claimed that CM#1 had caused damage. CM#1 claimed his associate was at fault. NE#1 replied, "We can come in really quick," but CM#1 again denied entry. NE#1 again requested CM#1 to exit, to which CM#1 replied, "Sir, please no. I said no." CM#1 said he knew his rights. NE#1 crossed the threshold into the apartment, grabbed CM#1's arm, and guided him into the hallway. NE#1 and his backing officer handcuffed CM#1 in the hallway.

With CM#1's permission, NE#1 and his backing officer entered the apartment with CM#1 and grabbed his wallet, keys, and shoes. NE#1 Mirandized CM#1 inside the apartment. After collecting CM#1's belongings, NE#1 and his backing officer transported CM#1 to the North Precinct, where NE#1 deactivated his BWV.



NE#1 prepared a supplement report stating that he and his backing officer responded to CM#1's apartment after seeing a department-wide bulletin indicating the existence of probable cause to arrest CM#1. The supplement report was consistent with OPA's BWV observations but did not reference any patrol ruse.

On March 18, 2025, OPA interviewed NE#1. NE#1 said he and his backing officer were unable to locate CM#1's apartment in one building but found another building, where the property manager reported that CM#1 was stealing packages, causing disturbances, and facing eviction. NE#1 said he tried the Amazon ruse to encourage CM#1 to exit but then abandoned this ruse when CM#1 asked for NE#1's identity. NE#1 said he used the other ruse to persuade CM#1 to exit his apartment. NE#1 said he may have discussed the possibility of using a patrol ruse with his sergeant, although he did not provide a detailed briefing on the matter. NE#1 highlighted the recent implementation of SPD's ruse policy but admitted to forgetting to document it in his report. NE#1 said he did not immediately arrest CM#1 once the door opened because he believed he could obtain CM#1's voluntary compliance. Drawing from his experience, NE#1 said individuals in similar situations might react unpredictably or violently and could attempt to escape. NE#1 believed CM#1 was unarmed based on his attire at the time of contact but knew CM#1's history of firearms, leading NE#1 to prevent CM#1 from retreating to potentially retrieve a weapon. NE#1 believed a warrant application was impractical at the time due to officer safety concerns, given that CM#1 was a known narcotics dealer and armed with at least an airsoft gun, so NE#1 aimed to arrest CM#1 at the doorway.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.300 – Patrol Ruses, 5.300-POL-2. Use of Patrol Ruses

The Complainant alleged that NE#1 failed to consult a supervisor before using the patrol ruses.

A patrol ruse is an officer's act of deception intended to achieve a person's cooperation. SPD Policy 5.300-POL-1. Patrol ruses will be reasonable in scope and narrowly tailored to meet a specific, legitimate, and lawful purpose. SPD Policy 5.300-POL-2. Patrol ruses may be used to further de-escalate, to calm or provide comfort to a person, to promote a person's safety, for scene management, to bring potentially violent situations to a peaceful resolution, or for investigative purposes where there is reasonable suspicion of a crime. *Id.* When reasonably practicable, officers will consult with a supervisor before using a patrol ruse for investigative purposes. *Id.*

As a threshold matter, NE#1 used two patrol ruses in this situation—one involving an Amazon delivery, and the another involving complaints about CM#1's packages. These were intended to de-escalate or bring the potentially violent situation to a peaceful resolution. NE#1 could not recall consulting with his sergeant before using a patrol ruse, though he believed he might have mentioned it. However, not all patrol ruse uses require a supervisory consultation beforehand. SPD policy specifically requires officers to consult with a supervisor before using a patrol ruse "for investigative purposes." SPD Policy 5.300-POL-1. Other purposes do not impose the requirement for supervisory consultation. Here, NE#1 arguably was not investigating, as he was responding to CM#1's apartment to arrest CM#1 for kidnapping. On the other hand, one could argue that NE#1 was indeed investigating whether CM#1 was present at his apartment. Given this ambiguity and practicability of doing so, NE#1 would have been better



advised to consult with a supervisor prior to engaging in this ruse. OPA does not find a willful violation of SPD policy but believes retraining is warranted to ensure NE#1's understanding of SPD's patrol ruse policy.

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

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 5.300-POL-2 with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #1 – Allegation #2

5.300 – Patrol Ruses, 5.300-POL-3. Documentation of Patrol Ruses

OPA alleged that NE#1 failed to document the patrol ruses in his supplement report.

All patrol ruses, including the justification for them, will be documented in the report, investigative file, or CAD, as appropriate. SPD Policy 5.300-POL-3. Documentation will include the nature of the patrol ruse, the reason for its use, whether it was effective, and the supervisor consulted, if used for investigative purposes. *Id.* If the officer was unable to consult with a supervisor before using a patrol ruse for an investigatory purpose, the officer will document why the consultation was not practicable. *Id.* The word "ruse" will be written in the report, investigative file, or CAD. *Id.*

OPA appreciates NE#1's candor in admitting his oversight in failing to document his patrol ruses in his supplement report. Moreover, OPA recognizes the recent introduction of SPD's patrol ruse policy, which was implemented on November 1, 2023. Since NE#1 has no prior discipline on this policy, OPA recommends a training referral. NE#1 is now on notice that any future violation of this policy could result in a sustained finding.

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

- **Required Training:** NE#1's chain of command should discuss OPA's findings with him, review SPD Policy 5.300-POL-3 with him, and provide any other retraining and counseling it deems necessary. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #1 – Allegation #3

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 may have unlawfully entered CM#1's apartment.



Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1). “In Washington, absent exigent circumstances, the police are prohibited from arresting a suspect while he or she is standing within the doorway of the residence.” *State v. Solberg*, 122 Wash.2d 688, 697, 861 P.2d 460 (1993) (En Banc) (citing *State v. Holean*, 103 Wash.2d 426, 429, 693 P.2d 89 (1985)). “Exigent circumstances” justifying a warrantless search exist where “obtaining a warrant is not practical because the delay inherent in securing a warrant would compromise officer safety, facilitate escape or permit the destruction of evidence.” *State v. Tibbles*, 169 Wash.2d 364, 371, 236 P.3d 885 (2010) (En Banc) (cleaned up). The Washington Supreme Court has identified five circumstances from federal cases that “could be termed ‘exigent’ circumstances.” *Id.* (cleaned up). Those are (1) hot pursuit; (2) fleeing suspect; (3) danger to arresting officer or to the public; (4) mobility of a vehicle; and (5) mobility or destruction of the evidence. *Id.* (cleaned up). But the Court has made it clear that the mere presence of one of these circumstances does not mean that exigency justifies a warrantless search. Rather, the Court looks to the totality of the circumstances. *See id.*

Here, NE#1 clearly broke the threshold of CM#1’s apartment without a warrant. OPA finds that, more likely than not, there were no exigent circumstances present justifying NE#1’s decision to do so.

When OPA asked NE#1 why he did not immediately place CM#1 under arrest, NE#1 responded that he “wanted to” but thought he could gain CM#1’s voluntary compliance. OPA asked why NE#1 did not seek a warrant to enter the apartment. NE#1 responded:

At the time, I just thought about the danger that that potential situation could create and the fact that like we were in, I felt like we were in a safe encounter that me face to face with him with another officer next to me and him being unarmed, I felt like it was the safest and most expeditious thing to, to just place him into custody there, rather than letting him go back into his apartment and get whatever. I mean he's a known narcotics dealer he had, it did in the bulletin he was contact with an airsoft gun, and that doesn't mean he has other guns in there, and that was my main concern.

OPA recognizes NE#1’s assessment that, practically, he felt this course of action was “safest and most expeditious,” but simple practicality does not justify a warrantless entry into a home based on exigency. Even knowing CM#1 was a “known narcotics dealer” who had been contacted with an “airsoft gun” in the past, NE#1 contacted CM#1 with only one other officer. He spoke to CM#1, face to face, across the threshold for one or two minutes. There was no visible indication CM#1 was armed, BWV showed no indication anyone else was present inside the apartment, and there was no indication there was another practical way for CM#1 to escape his fourth-floor apartment. Having confirmed CM#1’s presence inside the apartment, NE#1 should have sought a warrant to arrest CM#1 inside his home.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**