



Seattle Office of Police Accountability

November 14, 2019

Chief Carmen Best
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Best:

Please see the below Management Action Recommendation.

Case Number

- 2019OPA-0364/2019COMP-0033

Topic

- Search Warrant Exception

Summary

- It was alleged that the named employees violated Department policy by effectuating a warrantless entry into the subject's residence based on a Non-Emergent Detention order.

Analysis

- *SPD Policy 16.110-POL-5(8)* states that: "A court order for detention or verbal order from a Designated Crisis Responder does not grant legal authority to enter a constitutionally protected area. An order may add to the overall exigency of an incident but should not be used as the only motivator to force entry into a protected area."
- The Non-Emergent Detention Order used to detain the subject did not provide legal authority for the named employees to make entry. Moreover, there were no exigent circumstances nor was there an imminent risk that the complainant would harm himself or others to support an entry based on community caretaking.
- OPA believes that the improper entry is the product of patrol officers' lack of training and familiarity concerning these orders.
- OPA has observed misplaced reliance on similar orders in several other cases.

Recommendation(s)

- Provide a training update to the Patrol Bureau concerning Non-Emergent Detention orders. Draw the distinction between emergent detentions, Emergent Detention Orders, and Non-Emergent Detention Orders and describe the contours and legal parameters of each. Remind officers that, without additional information supporting community caretaking or exigent circumstances, these orders do not permit a warrantless entry into an otherwise constitutionally protected space.
- OPA made similar recommendations in cases 2018OPA-0353/2018COMP0101, 2018OPA-0118/2018COMP-0099, 2019OPA-0308/2019COMP-0027, and 2019OPA-0225/2019COMP-0029.

Thank you for your consideration of this matter. I look forward to your response.



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Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability