



Seattle Office of Police Accountability

November 29, 2018

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(s)

- 2018OPA-0118

Topic

- Searches

Summary

- It was alleged that the Named Employees violated SPD Policy 6.180 – *Searches-General* by performing a warrantless search of a vacant home.

Analysis

- The Named Employees raised a variety of reasons for why they thought the entry and search of the residence was justified, including that the squatters living inside had no reasonable expectation of privacy under the Fourth Amendment.
- The Complainant asserted that the Department's practice was to no longer search vacant homes and that such searches had not been regularly conducted for five to ten years. The officers vehemently disagreed with this contention.
- In analogous cases, searches of vacant homes have been deemed invalid (*State v. Ibara-Raya*). A home being vacant does not grant officers unfettered access.
- Overall, it is unclear whether SPD finds warrantless searches of vacant homes appropriate.

Recommendation(s)

- Clarify and communicate to officers (via e-learning or a roll call training) whether warrantless searches of vacant homes are permissible and, if so, under what circumstances.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability