



Seattle Office of Police Accountability

September 19, 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-0308/2019COMP-0027

Topic

- Search Warrant Exception

Summary

- It was alleged that the named employee violated Department policy by directing officers to enter the complainant's residence under the Involuntary Treatment Act (ITA) without meeting the exception to the warrant requirement.

Analysis

- Under *State v. Loewen*, warrantless entry to conduct an ITA is permissible where the premises contain a person in imminent danger of death or harm. Imminent danger is further defined in the RCW as the "state or condition of being likely to occur at any moment or near at hand, rather than distant or remote."
- When evaluating the information available to the named employee alongside the time constraints present to make the decision on whether to enter the residence, OPA found that it was reasonable for the named employee to believe that their actions were in conformance with law.

Recommendation(s)

- Modify *SPD Policy 6.180* and *SPD Policy 16.110* to include the community caretaking/Emergency Doctrine exception to the search warrant requirement as set forth in caselaw. The Department should also include guidance concerning community caretaking and warrantless entries in the context of ITAs.
- OPA made a similar recommendation in 2018OPA-0353/2018COMP-0101.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability