



## Mediation Program Changes

In 2019, OPA staff reworked its existing mediation program. We incorporated national best practices and vetted the new program components with union leaders, command staff, and accountability system partners. Changes you'll notice include:

- More outreach to SPD employees and the community about mediation
- Easy access to new informational materials: brochure, [flyer](#), and [web page](#)
- Professional mediators who receive specific training on community-police mediation
- Timelines that lead to faster resolution of mediation cases

## Refresh Me: What's Mediation Again?

Mediation is an alternative to traditional OPA complaint resolution. It's an opportunity for a community member and an SPD employee to discuss a disagreement with the guidance of a neutral third party. OPA selects complaints for mediation based on the type and severity of the allegation, as well as the likelihood for a successful resolution. Mediators come from a range of professional backgrounds and are contracted through the King County Office of Alternative Dispute Resolution. If your case is successfully resolved through mediation, it will be dismissed and will not appear in your personnel file or OPA Officer Card.

## A Case with Warrantless Entries

The subject in this case was believed to have fraudulently purchased items from Amazon using someone else's account. The Named Employees (NEs) went to the subject's home and saw some of the stolen items through her window. They knocked, and the subject gave them consent to enter. While inside, the NEs did not conduct any further search. Shortly thereafter, they placed her under arrest and into a patrol vehicle. She then asked that they retrieve some personal items from inside the residence. The NEs re-entered her home and retrieved those items. While inside, they also took custody of the Amazon purchases they had initially observed. One of the NEs re-entered the residence for a third time to take photographs. This matter was referred to OPA to determine whether a) the subject's consent was legally sufficient given the absence of Ferrier warnings, and b) the second and third re-entries into the apartment were impermissible warrantless entries.

First, OPA determined that under *State v. Khounvichai*, no Ferrier warnings were required because the NEs sought consent to enter for a legitimate purpose other than seizing contraband. Although they were aware that contraband was likely within the residence, OPA concluded that their primary basis for seeking entry was to interview the subject. Notably, while

inside the residence, the NEs remained within the area in which they were invited and did not complete a broader search for evidence.

Second, OPA found that the second and third re-entries did not require a warrant. Under *State v. Gallo*, a “second search” that takes place mere minutes after a consented-to entry is one continuous search of the home. Accordingly, [OPA found](#) that the Named Employees’ actions were consistent with policy.

If you have questions, feedback, content requests, or to add/remove your name from this distribution list, please contact Anne Bettesworth, OPA Deputy Director of Public Affairs, at [anne.bettesworth@seattle.gov](mailto:anne.bettesworth@seattle.gov).