



# Seattle Office of Police Accountability

---

October 10, 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-0225/2019COMP-0029

**Topic**

- Search Warrant

**Summary**

- It was alleged that the named employees violated Department policy by effectuating a warrantless entry into the complainant's residence based on an Involuntary Treatment Act (ITA) court 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 court order for the involuntary commitment of the complainant 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 herself 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 court orders in several other cases.

**Recommendation(s)**

- Provide a training update to the Patrol Bureau concerning ITA court orders. 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, and 2019OPA-0308/2019COMP-0027.

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

Sincerely,

*AM*

Andrew Myerberg  
Director, Office of Police Accountability