



Seattle Office of Police Accountability

August 1, 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-0069/2019COMP-0025

Topic

- Custodial Search

Summary

- It was alleged that the Named Employee violated policy when they conducted a custodial search of a person of the opposite gender.

Analysis

- The third prong of *SPD Policy 6.180-POL-2(e)* appears to conflict with the first two. The first two prongs instruct that all arrestees be searched and that the search occur prior to transport, while the third prohibits cross-gender searches except in certain delineated circumstances.
- In many cases, if officers comply with the third prong, they will violate the first two. Due to current staffing levels, it is common that female officers may not be available. Accordingly, there are increasingly more occasions where arrestees are being transported without being properly searched.

Recommendation(s)

- Revise the policy to include an exception to the requirement of a cross-gender search when no officer that shares the arrestee's gender can respond to the scene within a reasonable timeframe. In such cases, officers should be permitted to search the arrestee, regardless of whether there is a reasonable likelihood that the arrestee is armed or possesses evidence that could immediately be destroyed, lost, or lose its evidentiary value.

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

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability