



Expectation of Privacy in Apartment Building Common Areas

During “[OPA Office Hours](#)” at the East Precinct, a Sergeant asked whether an individual can have an expectation of privacy while inside the common/entry area of a locked apartment building. As articulated in *U.S. v. Nohara*, individuals contacted in widely-trafficked common areas of large complexes *do not* have a reasonable expectation of privacy, even if officers do not have explicit permission from the landlord to be in the common area. However, per *U.S. v. Fluker*, privacy expectations *do* apply in smaller, locked-entry complexes, such as a common hallway for a duplex or shared house. Generally speaking, when the tenants can reasonably assume an area is accessible only to themselves and one or two neighbors, they have a reasonable expectation of privacy.

OPA Investigation and Supervisor Action Statistics

Please [click here](#) to view graphs illustrating recent investigation and supervisor actions trends. Key take-aways include the following:

- West and North had the most investigations; Southwest had the fewest
- Department-wide, Second Watch had the most investigations; First Watch had the fewest
- Second Watch North had the most investigations; First Watch North had the fewest
- North received the most supervisor actions; East the fewest
- Department-wide, Second Watch received the most supervisor actions; First Watch the least

OPA is committed to transparency, which means we’d like to provide the Department with any information it finds useful. Please let us know if you are interested in seeing other data analysis going forward.

Bus Stop Incident in Southwest

Southwest Precinct officers responded to a call of a disturbance at a bus stop involving multiple individuals. When officers, including NE#1 and NE#2, arrived at the scene, they observed several individuals seated on the side of the road. The individuals were intoxicated and talked back to the officers. NE#1 and NE#2 became involved in an increasingly negative interaction with them that included threatening language and profanity.

NE#1 and NE#2 detained two other individuals at the bus stop who were not engaging in criminality. NE#2 pointed his Taser at one of the individuals, put his hands on his shoulders, told him to "sit down" and "shut up," and pushed him down into a seated position. NE#2 also threatened to arrest him. *Terry* Templates were not completed.

This incident was referred to OPA based on an allegation of excessive force by one of the individuals. However, the reviewing supervisors did not identify any issues with the detentions, lack of documentation, or professionalism. During its investigation, [OPA determined](#) that:

- There was no legal basis to detain the individuals at the bus stop.
- The failure to complete *Terry* Templates violated policy.
- The General Offense Report written by NE#2 was deficient.
- The profanity and threatening language constituted a lack of professionalism and violated the de-escalation policy.
- The force used to push one of the individuals into a seated position was inconsistent with policy. Although it was only de minimis force, there was no legal basis to detain the individual and, as such, no legal right to use any force.
- The sergeant and lieutenant who reviewed this matter should have recognized the inappropriate behavior; OPA issued them Training Referrals.

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.