



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 2, 2025

FROM: INTERIM DEPUTY DIRECTOR NELSON R. LEESE (ON BEHALF OF INTERIM DIRECTOR BONNIE GLENN)
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2025OPA-0097

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Training Referral (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies	Not Sustained - Training Referral (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The named employees (NE#1 and NE#2) responded to a home for a domestic violence (DV) disturbance call involving the Complainant, his Brother, and his Father. The Complainant alleged the officers unlawfully entered his home.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On April 28, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA's investigation included reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and incident report. OPA made several attempts to interview the Complainant but was unsuccessful. Based on the records OPA reviewed for this investigation, OPA finds the following had occurred:

On February 13, 2025, the named employees were dispatched to a home following Brother's 911 call concerning a DV disturbance. With Father's consent, NE#2 entered the home and interviewed Brother beside the front door threshold. Brother reported that the Complainant argued with Father, vandalized Brother's property, and provoked Father to a



fight. After passing the front door, NE#1 began descending the stairway when the Complainant, at the bottom of the stairs, objected and requested the named employees to leave. The Complainant requested to speak with NE#1 outside, to which NE#1 obliged and exited the home. The Complainant reached the top of the stairs and asked NE#2 about who had invited him into the home, to which NE#2 replied that Father did. The Complainant remained near the front door despite NE#1's attempts to speak with the Complainant outside. NE#1 then reentered the home, standing beside NE#2 at the front door threshold, where NE#2 explained that they were investigating a DV disturbance. The Complainant descended the stairway, while the named employees remained beside the front door threshold. After Brother's interview concluded, NE#2 interviewed the Complainant, who acknowledged that a verbal argument had occurred but denied issuing any threats. The named employees concluded no crime occurred and departed.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

The Complainant alleged that the named employees unlawfully entered his home.

Officers are prohibited from searching without a valid search warrant unless a specific exception applies. SPD Policy 6.180(1). Officers may conduct a search with consent. *See* SPD Policy 6.180-POL-2(1).

The named employees lawfully entered the home based on Father's consent. NE#2 remained near the front door, while NE#1 began descending the stairway when the Complainant objected to their presence. NE#2 stopped and accepted the Complainant's proposal to speak outside. Upon reaching the top of the stairs, the Complainant objected again to NE#2's presence, after which NE#1 reentered the home. From a technical standpoint, policy and law required the named employees to exit the home. *See* SPD Policy 6.180-POL-2(3) (requiring officers to obtain the consent of all present cohabitants or roommates for a warrantless entry); *see also State v. Holeman*, 103 Wn.2d 426, 429, 693 P.2d 89, 91 (1985) (holding that a police officer enters a home by crossing the doorway, regarded as the threshold of the home). Since the named employees remained beyond the threshold of the doorway after the Complainant, a cohabitant, objected to their presence, they were not technically compliant with policy and law.

However, the circumstances do not indicate willful misconduct by the named employees. The named employees had already obtained Father's consent before entering. NE#2 never advanced beyond the front door area while interviewing Brother. Once the Complainant objected, NE#1 ceased his descent and accommodated the Complainant's request to speak outside. The Complainant then objected to NE#2's presence upon reaching the top of the steps. Although NE#2 was technically inside the home by remaining beyond the threshold, he was right beside the front door and in the middle of interviewing the putative victim to a DV incident, rather than searching the residence. The Complainant's concerns might have been alleviated had NE#2 and Brother taken a few steps to relocate outside to complete the interview. Nevertheless, NE#2's decision to remain beside the front doorway—with Father's consent and Brother's implied consent—was not necessarily unreasonable, especially since NE#2 had a duty to investigate the incident and protect those present inside. With that said, OPA believes the named employees could benefit from reviewing SPD policy on third-party consents.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral (Expedited).



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- **Required Training:** The named employees' chains of command should discuss OPA's findings with them, review SPD Policy 6.180-POL-2(3) with them, and provide any other retraining and counseling they deem necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral (Expedited)**

Named Employee #2 – Allegation #1

6.180 – Searches-General, 1. Officers May Only Make Searches Pursuant to a Search Warrant, Unless a Specific Exception Applies

For the reasons articulated in Named Employee #1 – Allegation #1, OPA recommends that this allegation be Not Sustained – Training Referral (Expedited).

- **Required Training:** The named employees' chains of command should discuss OPA's findings with them, review SPD Policy 6.180-POL-2(3) with them, and provide any other retraining and counseling they deem necessary. Any retraining and counseling should be documented and maintained in Blue Team.

Recommended Finding: **Not Sustained – Training Referral (Expedited)**