



Failure to Activate ICV and BWV

ICV and BWV activation have been consistently high, and failures to activate have virtually all been mistakes rather than misconduct. As a result, OPA will be sending allegations of failure to activate ICV and BWV back to the Chain of Command for review and action in instances where the officer performed all of the following steps:

- 1) Self-reported the failure to activate to a supervisor
- 2) Updated the CAD Call Log to indicate failure to activate
- 3) Documented the reason for the failure to activate in an appropriate report
- 4) Recorded video on another system indicating that the failure to activate was a mistake rather than misconduct

Letter on the SPOG Contract

The City Council asked OPA for its written analysis of how the tentative agreement between the City and SPOG may impact OPA's ability to carry out its purpose and functions under both the Accountability Ordinance and Consent Decree. OPA responded in [this letter](#).

Seizure at a Door's Threshold

Several recent OPA cases involved officers who seized individuals by pulling them over the threshold of the doorway in their home. The officers in these cases were unaware that either a search warrant or an exception from the warrant requirement was needed to effectuate those seizures legally, per *State v. Holeman*. OPA recommended training referrals to the involved officers given these seizures stemmed from a lack of clarity concerning the law rather than intentional misconduct. OPA also issued [this Management Action Recommendation](#) requesting that the Department provide more robust and frequent training to officers on the state of and developments in search and seizure law.

Eastlake Shooting

SPD officers responded to a scene where occupants of a car parked in an alley were seen using drugs and potentially in possession of a firearm. While the officers intended to effectuate a high-risk vehicle stop, one officer, instead, approached the front of the vehicle with his rifle pointed at the occupants. The car jerked forward and, as it did, the officer moved to the side. Simultaneously, the second officer fired her handgun into the driver's side; the first officer then began firing his rifle. The vehicle drove forward, crashed into the wall of a building, then pulled

out of the alley. Both officers, who were standing to the rear of the vehicle, multiple feet back, began firing at the car as it drove away. The driver and passenger suffered injuries from the shooting. OPA found that the officers violated policy by:

- 1) Using deadly force
- 2) Shooting at a moving vehicle
- 3) Failing to de-escalate prior to using force (*only one officer*)

The Chief agreed with OPA's recommended findings and decided to terminate the employment of both officers. Please [click here](#) to read OPA's full analysis of this case.

If you have questions, feedback, content requests, or to add/remove your name from this distribution list, please contact either Andrew Myerberg, OPA Director, at andrew.myerberg-OPA@seattle.gov, or Anne Bettsworth, OPA Compliance, Policy, and Research Manager, at anne.bettesworth@seattle.gov.

