



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2014-0734

Issued Date: 05/27/2015

| Named Employee #1 |  |
|-------------------|--|
| Allegation #1     | <u>Seattle Police Department Manual</u> 7.020 (2) Property and Evidence - Finder May Immediately Claim Property Valued at \$25 or Less (Policy that was issued 02/19/14) |
| OPA Finding       | <b>Not Sustained</b> (Training Referral)   |
| Final Discipline  | N/A  |

#### **INCIDENT SYNOPSIS**

The complainant left his backpack in an atrium next to a private building. He was advised by building security not to leave his backpack on the premise. The complainant told security staff he would return for his belongings. When he returned, he learned security staff had called Seattle Police to have the bag removed. The complainant was told a Seattle Police officer confiscated his backpack. The complainant alleged his backpack contained a prepaid cellular phone. The complainant went to the Evidence Unit to retrieve his belongings but was informed the backpack was not there. The complainant then came into OPA and stated he only wanted his backpack returned to him. In an effort to expedite the return of his property, OPA called the precinct during the intake process OPA discovered the dispatched officer had discarded the backpack in the precinct garbage bin. OPA informed the complainant of the disposition of his property. The named employee discarded the backpack because he estimated the value to be less than \$25.

## **COMPLAINT**

The complainant alleged that the named employee failed to place his found property into the evidence unit for safekeeping.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complainant statement
2. Interview of the complainant
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

## **ANALYSIS AND CONCLUSION**

It was determined that the named officer was under the mistaken belief that unclaimed property valued at less than \$25 can be discarded if not claimed by the property finder. In this case, building security did not want to claim the backpack. The named employee stated he searched the backpack and did not find anything of value, no credit cards and no cell phone. The named employee stated that had he discovered any identifying information, a cell phone, or credit cards in the backpack, he would have completed a Found Property report and entered the backpack into evidence. The named officer stated he found none of these items in the backpack; instead, he found spoiling food items.

## **FINDINGS**

### **Named Employee #1**

#### **Allegation #1**

The evidence showed that the named employee attempted to comply with the policy based on his mistaken understanding of what the policy required. The named employee's supervisor should review the policy with him to ensure he now understands what the policy requires. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Property and Evidence - Finder May Immediately Claim Property Valued at \$25 or Less*.

OPA noted that the wording of the policy concerning found property valued at less than \$25 was confusing and ambiguous. A suggestion was made that SPD amend the policy to make its requirement clear and easy for officers to understand.

*NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.*