



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0841

Issued Date: 02/01/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (9) Standards and Duties: Employees Shall Strive to be Professional at all Times (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Inconclusive)
Allegation #2	<u>Seattle Police Department Manual</u> 7.120 (3) Narcotics Evidence: Employees Investigate Found Narcotics and Found Narcotics Paraphernalia (Policy that was issued February 19, 2014)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (5) Standards and Duties: Employees May Use Discretion (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Lawful and Proper)
Allegation #4	<u>Seattle Police Department Manual</u> 3.045 (7) Bloodborne Pathogens Exposure Control: Officers Must Discard Contaminated Sharps in Appropriate Containers as Soon as Feasible (Policy that was issued June 19, 2013)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

## **INCIDENT SYNOPSIS**

The Named Employee responded to a call from a gate phone at a park.

## **COMPLAINT**

The complainant alleged the Named Employee "made statements and acted in a manner" that he found "unbecoming a representative of a law enforcement officer." This was after the complainant discovered "a syringe filled with heroin, near the Seattle Police Harbor Patrol Station" and the Named Employee responded to assist.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The complainant alleged that the Named Employee made statements and acted in a manner that he found unbecoming as a representative of law enforcement. There were no witnesses and no audio to corroborate what was said and the tone and manner in which it was delivered.

The Named Employee did not recover any found narcotics; as such, no report was required. Whether or not the Named Employee should have picked up the syringe and disposed of its contents was a different question. The Named Employee said the syringe looked clear to him, different than what was shown in the photo submitted by the complainant. Given the absence of any other evidence to show this was narcotics evidence and the fact that it is not SPD's role to dispose of found syringes, the Named Employee had no obligation to investigate this found syringe and write a report.

Given the totality of the circumstances, especially the fact that the Seattle Parks Department and Seattle Public Utilities, not SPD, are responsible for syringe pickup, along with the Named Employee's safety concerns stemming from his isolated location with no backup and what he perceived to be odd behavior by the complainant, his decision to leave the syringe where the complainant found it was not unreasonable.

Looking at the photos submitted by the complainant, it appeared there may have been no needle in the syringe; however, there could have been one. The actual condition of the syringe was not known because, due to the Named Employee's safety concerns regarding what he perceived as odd behavior by the complainant, the Named Employee did not bend down to closely examine the syringe. For all these reasons, the Named Employee had no obligation to pick up and dispose of the syringe.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There was not a preponderance of the evidence either supporting or refuting the allegation. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Standards and Duties: Employees Shall Strive to be Professional at all Times*.

#### Allegation #2

A preponderance of the evidence showed that the Named Employee had no obligation to investigate the found syringe and write a report. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Narcotics Evidence: Employees Investigate Found Narcotics and Found Narcotics Paraphernalia*.

#### Allegation #3

A preponderance of the evidence showed that the Named Employee's decision to leave the syringe where the complainant found it was not unreasonable. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Standards and Duties: Employees May Use Discretion*.

#### Allegation #4

A preponderance of the evidence showed that the Named Employee had no obligation to pick up and dispose of the syringe. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Bloodborne Pathogens Exposure Control: Officers Must Discard Contaminated Sharps in Appropriate Containers as Soon as Feasible*.

*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.*