



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0884

Issued Date: 02/23/2017

Named Employees #1, #2, and #3	
Allegation #1	<u>Seattle Police Department Manual</u> 7.010 (1) Submitting Evidence: Employees Secure Collected Evidence (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 1.020 (4) Chain of Command: Employees May Delegate Duties to Their Subordinates (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Training Referral)
Allegation #2	<u>Seattle Police Department Manual</u> 7.010 (1) Submitting Evidence: Employees Secure Collected Evidence (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

INCIDENT SYNOPSIS

Named Employees #1, #2, and #3 were on the scene of a shooting and located evidence. Named Employee #4 was the supervisor on scene.

COMPLAINT

The complainant, a supervisor within the Department, alleged that one of the Named Employees failed to appropriately secure collected evidence, resulting in the misplacement / loss of critical evidence. The complainant also alleged that the Employees' Supervisor did not ensure that all evidence was collected and secured for submission into Evidence.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Review of In-Car Videos (ICV)
3. Search for and review of all relevant records and other evidence
4. Interviews of SPD employees

ANALYSIS AND CONCLUSION

Named Employee #1 found the magazine and identified it as a potential piece of evidence in a shooting investigation. He placed it inside a manila envelope held by Named Employee #2. Named Employee #2 took custody of the evidence (the magazine) when he took the manila envelope containing the evidence and walked away from Named Employee #1. Named Employee #1 was not responsible for the evidence not being removed from the scene and logged into evidence at the Precinct. However, he should have written a statement that night for the General Offense (GO) report documenting how and where he found the evidence and what he did with it subsequently.

Named Employee #2 placed the manila envelope with the evidence inside on a clipboard he assumed belonged to Named Employee #3. As Named Employee #2 did this, he said out loud to no one in particular that he was putting an envelope containing a magazine on the clipboard. This statement was not an adequate substitute for physically handing the evidence to another officer and obtaining that officer's agreement to assume responsibility for properly securing, documenting and submitting the evidence. If Named Employee #2 was not going to do these things himself, he had an obligation to obtain a commitment from someone else. Named Employee #2 also should have written a statement that night for the GO documenting how and where he found the evidence and what he did with it subsequently.

Named Employee #3 was not in the room when Named Employee #2 stated he was putting an envelope containing a magazine on the clipboard. Named Employee #3 later came back to retrieve his clipboard. Named Employee #3 told OPA he recalled seeing the manila envelope

partially on his clipboard and moving it so he could take his clipboard. Named Employee #3 appeared to have had no curiosity about the envelope and to have made no connection between it and the search for evidence he was involved in. At a minimum, Named Employee #3 should have made some attempt to find out who placed the envelope on or near his clipboard and made certain nothing important was overlooked.

Named Employee #4 appeared not to have taken responsibility for the overall search and seizure of evidence in this incident. Instead, he told OPA he was on scene as a resource to his officers as they conducted the search.

Named Employee #4 was not directly involved in locating or handing the missing evidence.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Submitting Evidence: Employees Secure Collected Evidence*.

Required Training: Named Employee #1 should be counseled by his supervisor to complete a statement for the GO whenever he is involved in searching for, locating and/or seizing evidence.

Named Employee #2

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Submitting Evidence: Employees Secure Collected Evidence*.

Required Training: Named Employee #2 should be counseled by his supervisor to secure evidence himself or properly transfer custody of it to another officer as well as to complete a statement for the GO whenever he is involved in searching for, locating and/or seizing evidence.

Named Employee #3

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Submitting Evidence: Employees Secure Collected Evidence*.

Required Training: Named Employee #3 would benefit from coaching from his supervisor about this incident and what he could have done to prevent the loss of evidence and help his fellow officers not lose track of things.

Named Employee #4

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Chain of Command: Employees May Delegate Duties to Their Subordinates*.

Required Training: Named Employee #4 should be counseled by his supervisor on how to properly plan and supervise a squad of officers conducting a search for evidence.

Allegation #2

A preponderance of the evidence showed that Named Employee #4 was not directly involved in locating or handing the missing evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Submitting Evidence: Employees Secure Collected Evidence*.

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.