



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0345

Issued Date: 10/18/2016

Named Employee #1	
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

INCIDENT SYNOPSIS

The Named Employee took evidentiary photographs associated with a use of force investigation.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the Named Employee failed to properly handle and safeguard digital evidence collected on his SPD cell phone.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee failed to download digital pictures from his SPD cell phone and transfer them into the case file. The preponderance of the evidence shows the Named Employee used his SPD cell phone to take evidentiary photographs associated with a force investigation and did not transfer those photos from the cell phone to the case file as required by SPD Policy and procedures. Furthermore, the Named Employee's failure to transfer the photos in a timely manner meant that, when his SPD cell phone was replaced with another, the photos were permanently lost. The OPA investigation did not produce any evidence to suggest this was deliberate or malicious on the part of the Named Employee. It appears the Named Employee lacked the skills and technical knowledge necessary to transfer the photos from his phone to a desktop computer and did not take the initiative to seek out assistance with that task. While the preservation of photographic evidence in force investigations is of utmost importance, the OPA Director believed the Named Employee clearly understands his error. The Named Employee will benefit from technical training on how to successfully transfer digital evidence from a cell/smart phone to a case file.

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: The Named Employee's supervisor should provide the Named Employee with the training and equipment necessary to successfully and reliably transfer digital evidence from a smart phone to a case file.

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.