



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0559

Issued Date: 04/27/2017

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	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 7.010 (2) Submitting Evidence: Employees Document Evidence Collection (Policy that was issued February 19, 2014)
OPA Finding	Sustained
Allegation #3	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued March 1, 2016)
OPA Finding	Sustained
Allegation #4	<u>Seattle Police Department Manual</u> 16.090 (12) In Car Video System: Employees Will Enter Data for Recorded Events (Policy that was issued March 1, 2016)
OPA Finding	Sustained
Final Discipline	1 Day Suspension

INCIDENT SYNOPSIS

The Named Employee responded to a call involving evidence left behind in a recovered stolen vehicle.

COMPLAINT

The complainant, a supervisor within the Department, alleged the Named Employee may have violated SPD policies when the Named Employee disposed of recovered personal items of value in the Precinct's dumpster.

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. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that the Named Employee did not properly collect, document and submit evidence as required. The Named Employee was alleged to have disposed of the evidence in the Precinct dumpster. An officer reported to the complainant that there was what appeared to be personal property in a dumpster. The property was recovered, a report written and the evidence submitted into the evidence room. After the complainant addressed roll call about the incident the Named Employee voluntarily came forward to admit that he put the property in the dumpster. He explained that he responded to a follow up call to a recovered stolen vehicle where the owner found property in his vehicle. The Named Employee took the property from the stolen vehicle, transported it to the Precinct then threw it in the dumpster in violation of SPD manual section 7.010 (1). He did not write a report regarding the recovered property in violation of SPD manual section 7.010 (2).

The Named Employee responded to a disturbance call immediately after clearing the follow-up call for the stolen vehicle. He activated his In-Car Video (ICV) for the disturbance, finished the call and left the ICV running when he went back to the Precinct. The rear facing camera captured the Named Employee as he took the property out of his patrol car and put it in the dumpster. During his OPA interview the Named Employee stated that he did not think there was anything of evidentiary value recovered from the stolen vehicle. He believed that it was clothing and other garbage that could not be tied to any other crimes or victims. The Named Employee was presented with photographs documenting that there were checks, cell phones, mail and other property that could be traced back to victims. The Named Employee stated he did not see any of the identifiable property when he was going through the stolen vehicle. The

Named Employee had an obligation to thoroughly examine the recovered property to ensure that there was nothing of evidentiary value or items that could be returned to the rightful owner. The Named Employee acknowledged he should have put the items into evidence as required by policy.

During the investigation of the allegations OPA discovered that the Named Employee did not activate his ICV when he responded to the follow-up call. SPD manual section 16.090 (6) requires that officers activate ICV when responding to calls or engaging in police activity. There was no record in the ICV system that indicated the ICV was activated manually or by the emergency equipment. There was video for other events during the Named Employee's shift indicating that the ICV was operating properly. The OPA investigator could not locate any video for this event. During his OPA interview the Named Employee stated that he did not know why he didn't activate the ICV when he responded.

The ICV of the disturbance call was not marked with the incident number as required by SPD manual section 16.090 (12). During his interview the Named Employee stated that he did not know why he did not flag the video as required.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that the Named Employee violated SPD Policy. Therefore a **Sustained** finding was issued for *Submitting Evidence: Employees Secure Collected Evidence*.

Allegation #2

A preponderance of the evidence showed that the Named Employee violated SPD Policy. Therefore a **Sustained** finding was issued for *Submitting Evidence: Employees Document Evidence Collection*.

Allegation #3

A preponderance of the evidence showed that the Named Employee did not activate his ICV when he responded to the follow-up call. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Allegation #4

A preponderance of the evidence showed that the ICV of the disturbance call was not marked with the incident number as required by SPD Policy. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Enter Data for Recorded Events*.

Discipline Imposed: 1 Day Suspension

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.