



## CLOSED CASE SUMMARY

ISSUED DATE: JUNE 4, 2018

CASE NUMBER: 2017OPA-1288

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	11.050-Detainee Property 5. Officers Perform an Inventory Search of SKO Detainee Property Before Submitting it to the Evidence Unit	Not Sustained (Unfounded)
# 2	11.050-TSK-1 Officer Submitting Detainee Property to the Evidence Unit as SKO 4. Complete a Property Report listing SKO items	Not Sustained (Unfounded)
# 3	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

**Named Employee #2**

Allegation(s):		Director’s Findings
# 1	11.050-Detainee Property 5. Officers Perform an Inventory Search of SKO Detainee Property Before Submitting it to the Evidence Unit	Sustained
# 2	11.050-TSK-1 Officer Submitting Detainee Property to the Evidence Unit as SKO 4. Complete a Property Report listing SKO items	Not Sustained (Training Referral)
# 3	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

**Imposed Discipline**

Oral Reprimand
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***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

**EXECUTIVE SUMMARY:**

The Complainant alleged that property was taken from her during her arrest by the Named Employees and was not returned.

**STATEMENT OF FACTS:**

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) were separately dispatched to a call of a possible assault with a weapon at Cal Anderson Park. NE#2 arrived before NE#1 and was flagged down by witnesses who identified the Complainant as the perpetrator. NE#2 attempted to detain the Complainant, which resulted in a struggle. NE#1 arrived on the scene and saw NE#2 in the process of arresting the Complainant. NE#1 assisted NE#2 in handcuffing



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the Complainant. At the time, the Named Employees believed that the Complainant had stabbed someone and threatened other individuals with a hatchet. This information was conveyed to them by witnesses at the scene.

Once the Complainant was handcuffed, the officers removed her backpack from her person by cutting the straps. The officers obtained the Complainant's identification from her wallet, which was stored in the front of her jacket. The wallet, without the identification, was returned to her front jacket pocket. The officers then walked the Complainant to their patrol vehicle. NE#2 called for a female officer to come to where they were in order to search the Complainant. Based on her conduct, the officers made the decision to bring her back to the precinct instead of waiting for the female officer to arrive. They made the decision to do a pat frisk of her before transporting her from the scene. They asked her if she had any weapons and she said no. They then performed a brief pat frisk and a knife-like object was found in her pocket. The officers then placed the Complainant into the patrol vehicle. When she was seated inside of the vehicle, her jacket was still on her person. The officers performed a search of the Complainant's backpack and her backpack was placed into the luggage compartment of the patrol vehicle. The Complainant was then transported to the precinct.

Once they arrived at the precinct, the Complainant was removed from the vehicle. At that time, she was still wearing her jacket. Once she was brought into the precinct, the handcuffs were switched out and her jacket was removed. The Complainant was then searched incident to arrest by a female officer. During the search, the Complainant asserted that she had used heroin approximately 20-30 minutes earlier. She also confirmed that she had consumed alcohol. She was then placed in a holding cell where she remained for a period of time.

NE#2 told OPA that, after the Complainant was placed into the holding cell, he took her property into the processing/write-up room and entered the property into safekeeping. NE#2 did not generate a Detainee Property Form and did not document the Complainant's property via photograph, Body Worn Video, or In-Car Video. The Complainant was later transported to the King County Jail and SPD relinquished custody over her.

In her complaint to OPA, the Complainant asserted that, when she was arrested, the officers threw her coat on the ground. She stated that in her coat was her wallet, her cell phone (worth \$600), a Rite Aid gift card with a \$48.65 balance, a food stamps card, and a prepaid Visa card with a \$200 balance. The Complainant appeared to allege that, based on the officers' actions, these items had been lost or taken. She stated that she wanted the Department to pay her \$848.65, presumably to recompense her for the "lost" cell phone, Visa gift card, and Rite Aid gift card.

After receiving this complaint, the OPA investigator assigned to this case went to SPD's Evidence Unit to search for the Complainant's property. The OPA investigator located the Complainant's backpack, which contained her jacket, her wallet, her cellphone, a food stamp card, and a Rite Aid gift card. The OPA investigator did not locate the Visa card. These items were photographed and those photographs were included in the OPA file.

OPA attempted to contact the Complainant in order to interview her. However, OPA was unable to do so as she did not respond to repeated interview requests.

OPA interviewed both of the Named Employees. NE#1 indicated that he was not involved in the search of the Complainant or the inventorying of the Complainant's property. He did not know who inventoried the Complainant's property and did not witness anyone doing so. He acknowledged that SPD policy required that the Complainant's property be inventoried and that an appropriate report be completed. Lastly, NE#1 recounted observing NE#2 leave



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the precinct with the Complainant and her property when NE#2 transported her to the jail. NE#1 stated that, at all times relevant to this incident, he acted in compliance with law and policy.

NE#2 told OPA that he had received training concerning inventorying detainee property. He recalled pat frisking the Complainant at the scene and recovering a knife. He stated that he examined the remainder of her property while at his patrol vehicle and then transported the Complainant and her property to the precinct. Once he arrived at the precinct, the Complainant was searched by a female officer and NE#2 brought her property to a large table in the write-up room. He stated that a few of her items were placed into evidence and the remainder were put into safekeeping. NE#2 stated that the Complainant's wallet and phone were placed into safekeeping. Some of her cards were also placed into safekeeping; however, NE#2 did not recall her having a Visa card in her possession.

NE#2 stated that while he conducted an inventory, he did not document or photograph the Complainant's property. When asked why, he stated that he simply forgot to fill out the applicable form. He stated that there was "no good reason" for his failure to do so, but cited to the "rapid" nature of the initial situation. NE#2 believed that he then transported the Complainant and her property to the King County Jail. NE#1 stated that, at all times relevant to this incident, he acted in compliance with the law.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***11.050-Detainee Property 4. Officers Perform an Inventory Search of SKO Detainee Property Before Submitting it to the Evidence Unit***

As discussed more fully herein, NE#2 took custody of the Complainant and he, not NE#1, was responsible for inventorying the Complainant's property. For this reason, I recommend that this allegation be Not Sustained – Unfounded as against NE#1.

Recommended Finding: **Not Sustained (Unfounded)**

**Named Employee #1 - Allegation #2**

***11.050-TSK-1 Officer Submitting Detainee Property to the Evidence Unit as SKO 4. Complete a Property Report listing SKO items***

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

**Named Employee #1 - Allegation #3**

***5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy***

SPD Policy 5.001-POL-2 requires that SPD employees adhere to laws, City policy, and Department policy.



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This allegation was classified based on the Complainant's assertion that some of her property, including gift cards, was missing after her arrest. OPA liberally construed her allegation to suggest that this property was misappropriated by the Named Employees.

All of the Complainant's property that she referenced in her complaint was retained by SPD's Evidence Unit, except for the Visa card. With regard to the Visa card, there is no evidence that the Complainant ever actually possessed this item. However, as indicated below, NE#2's failure to complete the Detainee Property Form and to photograph the Complainant's property as required prevents a conclusive determination that the Visa card was not among her property at the time she was arrested and taken into custody. That being said, while it is certainly possible that this item was possessed by the Complainant and lost after her arrest, there is no evidence that this item was purposefully taken by the Named Employees.

For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**

**Named Employee #2 - Allegation #1**

***11.050-Detainee Property 4. Officers Perform an Inventory Search of SKO Detainee Property Before Submitting it to the Evidence Unit***

SPD Policy 11.050-POL-4 requires that officers perform an inventory search of detainee property before submitting it to the evidence unit. As part of that inventory search, officers must complete a Detainee Property Form (see SPD Policy 11.050-POL-2) and photograph the property (see SPD Policy 11.050-POL-3).

Here, the Complainant was in NE#2's custody and NE#2 was responsible for properly inventorying her property and placing it into safekeeping with the Evidence Unit. He failed to perform an inventory search consistent with policy. Most notably, he failed to record the property and its disposition on a Detainee Property Form and failed to photograph the property. This was a violation of policy and, as such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #2 - Allegation #2**

***11.050-TSK-1 Officer Submitting Detainee Property to the Evidence Unit as SKO 4. Complete a Property Report listing SKO items***

SPD Policy 11.050-TSK-1 sets forth the procedure for an officer's submittal of detainee property to the evidence unit. One of the requirements of this policy is that the officer: "Inventories detainee's property with a witness officer present." As discussed above, NE#2 failed to comply with this section of the policy. However, given that this same conduct is already captured by Allegation #2, I recommend that NE#2 receive a Training Referral here as opposed to a Sustained finding.

- **Training Referral:** NE#2 should receive re-training on the requirements of SPD Policy 11.050. NE#2 should be reminded that he is required to properly inventory detainee property, which includes generating a Detainee Property Form that is witnessed by another officer, as well as photographing the property. NE#2 should be



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counseled by his chain of command that his failure to do so in this case caused unnecessary questions concerning whether the Complainant possessed the Visa card. Preventing these exact types of scenarios is the purpose of this policy. This re-training and associated counseling should be documented and this documentation retained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**

**Named Employee #2 - Allegation #3**

***5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy***

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**