



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0515

Issued Date: 02/28/2017

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	Not Sustained (Unfounded)
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	Not Sustained (Unfounded)
Allegation #3	<u>Seattle Police Department Manual</u> 7.010 (3) Submitting Evidence: Employees Follow Department Guidelines for Evidence Packaging and Submission (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

Named Employee #2	
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 (Unfounded)

Allegation #2	<u>Seattle Police Department Manual</u> 7.010 (3) Submitting Evidence: Employees Follow Department Guidelines for Evidence Packaging and Submission (Policy that was issued February 19, 2014)
OPA Finding	Not Sustained (Lawful and Proper)
Allegation #3	<u>Seattle Police Department Manual</u> 5.100 (III) (C) Operations Bureau Individual Responsibilities: Patrol Sergeant: Problem Solving (Policy that was issued July 20, 2010)
OPA Finding	Not Sustained (Lawful and Proper)
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employees were on-scene of a call involving an officer involved shooting.

COMPLAINT

The complainant, the Force Review Unit, alleged the Named Employees violated policy in regards to packaging and preserving evidence by disposing and/or inappropriately authorizing the disposal of the contents of a syringe.

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

This incident was an officer-involved shooting, not a narcotics investigation. Named Employee #1 was assigned to assist with a female witness who needed to be detained while the investigation was being conducted. In searching the female for weapons, a hypodermic with an exposed needle was found in the female's pocket. The hypodermic has some sort of fluid inside. Named Employee #1's main concern was the safety of the female, other civilians on-scene, medics, other officers and himself. Since the female was not being charged with a narcotics violation, the fluid inside was not evidence. It was merely a potential hazard to others. As a result, Named Employee #1 needed to make certain the needle did not stick anyone. He concluded the safest thing to do was to empty the contents into the ground and dispose of the needle in a sharps container. Given the totality of the circumstances, the OPA Director found

these actions to be reasonable and consistent with the public safety mission of the Seattle Police Department.

Named Employee #2's decision, as Named Employee #1's supervisor, to approve Named Employee #1's request to dispose of the hypodermic contents and needle in that manner was also reasonable. Given the totality of the circumstances and the potential hazard posed by the exposed needle and the contents of the hypodermic, Named Employee #2 decided on a course of action that was reasonable, safe and consistent with the public safety mission of the Seattle Police Department.

Named Employee #1 did not collect the hypodermic and needle as evidence. He took them as items that presented a potential hazard to others and himself. Named Employee #1, with the approval of Named Employee #2 (supervisor), disposed of them in a way that would eliminate that hazard. For this reason, Named Employee #1 was not required to follow SPD guidelines for evidence packaging and submission and Named Employee #2, his supervisor, acted reasonably to approve of the actions of Named Employee #1.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed the Named Employee's actions to be reasonable and consistent with the public safety mission of the Seattle Police Department. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Submitting Evidence: Employee Secure Collected Evidence*.

Allegation #2

A preponderance of the evidence showed that the Named Employee was not obligated to document any collection of evidence. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Submitting Evidence: Employees Document Evidence Collection*.

Allegation #3

A preponderance of the evidence showed that the Named Employee was not obligated to follow SPD guidelines for evidence packaging and submission. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Submitting Evidence: Employees Follow Department Guidelines for Evidence Packaging and Submission*.

Named Employee #2

Allegation #1

A preponderance of the evidence showed that Named Employee #2's decision to approve Named Employee #1's request was reasonable. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Submitting Evidence: Employee Secure Collected Evidence*.

Allegation #2

A preponderance of the evidence showed that Named Employee #2 acted reasonably to approve the actions of Named Employee #1. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Submitting Evidence: Employees Follow Department Guidelines for Evidence Packaging and Submission*.

Allegation #3

A preponderance of the evidence showed the Named Employee's actions to be reasonable, safe and consistent with the public safety mission of the Seattle Police Department. Therefore a finding of **Not Sustained** (Lawful and Proper) was issued for *Operations Bureau Individual Responsibilities: Patrol Sergeant: Problem Solving*.

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.