



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0518

Issued Date: 11/27/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 15.180 (1) Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence (Policy that was issued April 1, 2015)
OPA Finding	Sustained
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee was dispatched to a theft call made by the complainant.

COMPLAINT

The complainant alleged that Named Employee #1 provided the complainant with incorrect information, and that the Named Employee did not collect all the evidence the complainant had compiled.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Review of In-Car Video (ICV)
4. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant alleged that he reported a theft to the East Precinct. Named Employee #1 was dispatched to the call and responded. The complainant discussed the theft with Named Employee #1 and indicated that he had various evidence. Named Employee #1, at that point, told the complainant to hold on to the evidence and to provide it to the detective who would be assigned to the case. Named Employee #1 then completed paperwork relating to the case and told the complainant that he would be contacted by a detective. After not hearing from anyone for several weeks, the complainant contacted the SPD Fraud and Theft Unit about his case. The complainant was then told by the Fraud and Theft Unit that a detective would likely not be assigned to the case. Other SPD employees that the complainant spoke to said that Named Employee #1 should have collected the evidence at the time of the original response to the call. The complainant described to OPA his frustration concerning the fact that a crime was committed and he received no assistance from Named Employee #1 and because there was no indication that SPD was going to investigate this case for which he had evidence of illegal activity. The complainant communicated to OPA that he simply wanted his case to be pursued.

SPD Policy 15.180-POL-1 requires that officers conduct a thorough and complete search for evidence. The policy directs that “only evidence that is impractical to collect or submit to the Evidence Unit shall be retained by the owner.” (SPD Policy 15.180-POL-1.) Moreover, the policy instructs that “officers shall photograph all evidence that is retained by the owner.” (Id.)

Here, it was undisputed that Named Employee #1 failed to collect the complainant’s evidence. There was no evidence suggesting that it would have been impractical for Named Employee #1 to collect or submit the evidence (which was all paper evidence) to the Evidence Unit. Further, even were that the case, Named Employee #1 failed to photograph the evidence retained by the complainant.

Named Employee #1’s explanation for not collecting the evidence was because the complainant indicated that he was still amassing more evidence. In that regard, Named Employee #1 reported stating to the complainant that: “it would be easier to put it all into one evidence section at one time so any follow-up unit that was attempting to gain access to it didn’t have to go and locate multiple different evidence entries.” However, this was not what was envisioned by the policy. Here, Named Employee #1 failed to collect the evidence and while he referenced the evidence by description in the General Offense Report, the evidence was not included therewith. As a result, the complainant was never contacted by a follow-up unit, and his case has still not been investigated. This was exactly the type of situation that the policy sought to avoid by mandating evidence collection or, at the very least, photographing of the evidence.

FINDINGS

Named Employee #1

Allegation #1

A preponderance of the evidence showed that Named Employee #1 failed to collect the complainant's evidence. Therefore a **Sustained** finding was issued for *Primary Investigations: Officers Shall Conduct a Thorough and Complete Search for Evidence*.

Discipline Imposed: Written Reprimand

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.