



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 7, 2020

CASE NUMBER: 2019OPA-0317

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	15.055-TSK-2 Primary Patrol Sergeant's Responsibilities at a Death Investigation 6. Screens the body from public view if practical	Not Sustained (Lawful and Proper)
# 2	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained (Unfounded)

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:

An anonymous Complainant alleged that SPD failed to properly shield a victim's body from public view. The Complainant alleged that this was unprofessional and disrespectful, as well as that it may have constituted biased policing.

ADMINISTRATIVE NOTE:

This complaint was alleged against an unknown employee. As the identity of this employee was not discovered, the 180-day contractual deadline for OPA investigations was tolled. While this deadline remains tolled, OPA has set the end of the 180-day period as the date of this DCM for administrative purposes.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

15.055-TSK-2 Primary Patrol Sergeant's Responsibilities at a Death Investigation 6. Screens the body from public view if practical

A shooting occurred in Seattle. One of the victims of the shooting was dropped off at the ramp leading to the Swedish Hospital emergency room. The victim was determined to have passed away. The victim was covered by a sheet by hospital staff. The sheet covered the majority of the victim's body, but some of the victim's extremities were not under the sheet. Blood was also visible on the ground. Multiple SPD supervisors, patrol officers, Gang Unit members, and employees of other agencies responded to the hospital. They secured the crime scene and installed a perimeter. The King County Medical Examiner (KCME) also responded to inspect and ultimately take custody of the victim's body.

An anonymous Complainant later alleged that SPD was disrespectful and unprofessional in their handling of the crime scene. The Complainant specifically criticized that portions of the victim's body and blood could be seen. The Complainant referenced that people were on a skybridge that overlooked the crime scene and that they could see



the body and were taking pictures. The Complainant was upset that it took SPD over an hour to block the view of the people on the skybridge. Based on the Complainant's reference to the body belonging to a Black man, OPA interpreted the Complainant to be making an allegation of biased policing.

This OPA investigation ensued. As part of its investigation, OPA reviewed the Body Worn Video of this incident and the documentation that was generated. The video indicated that there was an ongoing and active investigation into the murder of the victim and that the emergency room ramp was considered a crime scene. The video showed that a perimeter was created that predominantly blocked any view of the body. The video indicated that, at one point, hospital staff informed officers that people were looking at the scene from the skybridge. The officers told the hospital that they could close the skybridge down.

As part of its investigation, OPA spoke to SPD's Homicide and CSI Units and the KCME regarding standard procedure for covering bodies at crime scenes. SPD's Homicide Unit indicated that, as a general matter, they use disposable emergency blankets and/or tarps to cover bodies. Homicide stated that, when the KCME removes a body from the scene, CSI Unit employees hold up tarps to shield the body from public view. Homicide told OPA that they take preserving the dignity of the deceased very serious and that they engage in appropriate steps to prevent the body from being viewed while maintaining the integrity of the crime scene. Lastly Homicide indicated that the CSI Unit possesses pop-up tents but that these tents are cumbersome, take up too much room, and, when deployed, make it difficult to process the scene and evidence. Homicide noted, however, that these tents are used at times during inclement weather and in traffic situations.

The CSI Unit explained that in most cases they use disposable emergency blankets to cover bodies. CSI noted that it is important to introduce as few extra contaminants into a scene as possible. CSI told OPA that pop-up tents can negatively impact scene integrity. CSI, like Homicide, asserted that pop-up tents were appropriate when there is inclement weather or for larger traffic incidents.

The KCME said that different jurisdictions handle bodies at crime scenes differently. While some use tarps or blankets, others (usually smaller agencies) use pop-up tents. The KCME indicated that the use of pop-up tents is helpful in inclement weather. The KCME said that, as a general matter, agencies try to balance dignity for the deceased with the preservation of evidence. The KCME expressed that there are many appropriate methods of achieving these dual goals.

SPD Policy 15.055 governs investigations into deaths. The policy directs patrol officers not to move evidence unless directed to do so by an SPD follow-up unit or the KCME. The policy further mandates that patrol sergeants must remain on scene until released by the Homicide Unit. The policy instructs officers to preserve the scene and to protect evidence. The body and other evidence should only be moved in order to preserve its evidentiary value. Prior to doing so, the officers are instructed to take photographs and to document their actions in a report. The policy states that, where a follow-up unit is responding to the scene, officers are prohibited from moving a body unless directed to do so by a detective sergeant or the KCME. Lastly, the policy does not provide specific guidance on how officers are to cover a body at a crime scene.

Ultimately, based on OPA's review of the totality of the evidence and given the information learned during its interviews, OPA finds that the officers who responded to this incident did their best to cover up the body. While it is unfortunate that members of the public were able to see portions of the body and blood, this was not due to intentional misconduct or malfeasance on the part of SPD. Moreover, as discussed above, the use of a blanket to



cover bodies is consistent with best practices and SPD takes numerous steps at crimes scenes to prevent public view of a body. As such, OPA does not believe that any SPD employees violated policy during this incident and feels that it would be inappropriate to recommend that SPD modify or amend its policies at this time.

For the above reasons, and while appreciating the concerns articulated by the Complainant, OPA recommends that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (*See id.*)

As explained by the various units queried during this investigation, SPD handles all bodies and crime scenes in the same manner, regardless of race. Moreover, even had OPA found that SPD’s handling of the crime scene was inappropriate – which it did not – there is no evidence to indicate that this was based on bias.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

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