



## ***CLOSED CASE SUMMARY***

ISSUED DATE: NOVEMBER 30, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0175

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	7.150 - Non-Detainee Property for Safekeeping 7.150-POL 1. Officers May Submit Non-Detainee Property to the Evidence Unit for Safekeeping (SKO)	Not Sustained - Unfounded
# 2	15.055 - Death Investigation 15.055-TSK-1 Primary Patrol Officer Responsibilities at Death Investigations	Not Sustained - Training Referral

***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 Named Employee #1 (NE#1) failed to secure the scene of a death investigation by giving keys to the decedent's home to the decedent's neighbor (the Neighbor).

### **ADMINISTRATIVE NOTE:**

NE#1 separated from SPD in November 2021.

### **SUMMARY OF INVESTIGATION:**

The Complainant—the administrator of the decedent's estate—alleged NE#1 responded to the decedent's residence for a death investigation. After the decedent was removed from the home, NE#1 allegedly locked the decedent's door and gave the Neighbor the keys. The Complainant alleged the Neighbor had access to the decedent's apartment for months.

OPA opened an investigation. During its investigation, OPA reviewed communications from the Complainant, including emails, postal mail, and a voicemail. OPA also reviewed Body Worn Video (BWV), a Computer-Aided Dispatch (CAD) call report, and NE#1's Incident Report. Further, OPA interviewed a Medical Examiner's Office representative. The Complainant declined an OPA interview. NE#1 no longer works at SPD, so OPA could not compel her interview. OPA made several unsuccessful attempts to contact NE#1 by phone, email, and postal mail with information provided by SPD Human Resources.

#### ***a. Computer-Aided Dispatch Call Report***



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In relevant part, the CAD showed the Neighbor called 911 to request a welfare check on the decedent, a seventy-year-old male. NE#1 was one of the responding officers. NE#1 later noted the male subject's death. CAD records showed officers conducted records checks for the decedent and the Neighbor.

*b. Incident Report*

NE#1's Incident Report noted her response to the welfare check. NE#1 wrote that members of the Seattle Fire Department (SFD) and another SPD officer were on scene when she arrived. NE#1 wrote, SFD forced entry into the home, where NE#1 observed the "obviously deceased" decedent. NE#1 wrote, she "was unable to find next of kind information."

NE#1 wrote, she spoke to the Neighbor. The Neighbor reported she called 911 to request a welfare check. NE#1 wrote the Neighbor reported the decedent may have a brother living in King County, but the Neighbor was unable to offer further information.

NE#1 wrote, Medical Examiner's Office investigators responded and took custody of the decedent's body. NE#1 reported that SFD secured the breached door, and NE#1 locked the decedent's front door. NE#1 wrote "I asked the M.E. to take custody of [the decedent's] keys for the next of kin and was denied. I left the keys in the care of [the Neighbor]."

*c. Body Worn Video*

OPA reviewed NE#1's four BWVs. Those BWVs were consistent with her incident report but captured additional details. Specifically, the Medical Examiner's Office told NE#1 they had the decedent's family member information but was unable to make contact. NE#1 also had several interactions with Medical Examiner's Office investigators on scene, but NE#1's BWV did not capture her asking them to take the decedent's keys.

BWV showed NE#1 turn off the lights, lower the thermostat, and secure the front door prior to her departure. NE#1 located the Neighbor and told her the Medical Examiner's Officer would not accept the keys. NE#1 asked the Neighbor to take them. The Neighbor accepted the keys but expressed concerns about it. The Neighbor asked how anyone would know she had the keys. NE#1 stated she told the Medical Examiner's Office investigators she would give the keys to the Neighbor and would note the same in her Incident Report. NE#1 also stated if the Neighbor did not take the keys, NE#1 would log them into evidence for "safekeeping." However, NE#1 stated, there would be no receipt, and no one would know where to find the keys. NE#1 told the Neighbor to call the police if there was doubt about releasing the keys to anyone requesting them. NE#1 also provided the Neighbor with a business card with the case number on it.

*d. OPA Interview – Medical Examiner's Representative*



OPA interviewed a representative of the Medical Examiner's Office. The representative stated that each death investigation is different with respect to whether the Medical Examiner's Office would take custody of house keys. The representative stated their office had accepted personal property in the past, but it was done on a case-by-case basis.

### **ANALYSIS AND CONCLUSIONS:**

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

#### ***7.150 - Non-Detainee Property for Safekeeping 7.150-POL 1. Officers May Submit Non-Detainee Property to the Evidence Unit for Safekeeping (SKO)***

The Complainant alleged NE#1 failed to adequately secure the decedent's keys.

SPD Policy 7.150-POL-1 states "officers may submit non-detainee property to the Evidence Unit for safekeeping." Further: "The Evidence Unit will accept non-evidentiary items as safekeeping when the owner of the property is known but is unable to retain the property." SPD Policy 7.150-POL-1.

Here, SPD Policy 7.150-POL-1 did not explicitly require NE#1 to submit the decedent's keys into evidence for safekeeping. Moreover, NE#1's BWV showed she knew submitting the keys to evidence for safekeeping was an option. Instead, NE#1 was apparently concerned about notifying the decedent's estate about where to find them.

Although OPA disagrees with NE#1's decision (discussed below at Named Employee #1 – Allegation #2), it does not appear NE#1 violated SPD Policy 7.150-POL-1.

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

Recommended Finding: **Not Sustained - Unfounded**

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

#### ***15.055 - Death Investigation 15.055-TSK-1 Primary Patrol Officer Responsibilities at Death Investigations***

The Complainant alleged NE#1 failed to comply with her primary officer for a death investigation obligations.

SPD Policy 15.055-TSK-1 outlines the responsibilities of a patrol officer at the scene of a death investigation. Among other duties, patrol officers "secure[] the scene, protect[] the evidence, isolate[] witnesses and identif[y] suspects." See SPD Policy 15.055-TSK-1. Additionally, patrol officers are responsible for "restrict[ing] access to other than essential personnel." *Id.* The policy also notes the officer, "**does not remove** evidence or property from the scene unless directed to do so by the proper follow-up unit or the Medical Examiner's Investigator." *Id.* (emphasis in original).

Here, NE#1's decision to provide the decedent's home keys to the Neighbor violated policy. OPA acknowledges SPD Policy 15.055-TSK-1 does not explicitly instruct the primary patrol officer what to do when the Medical Examiner's Office refuses to accept personal property. However, there were better options available to NE#1. Specifically, NE#1 could have asked explicit permission from the Medical Examiner's Office for permission to take the keys to submit them into evidence for safekeeping, or NE#1 could have inferred consent to do so from the Medical Examiner's Office investigator's refusal to accept custody of the keys. Either option would have been more consistent with the directive



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to “secure[] the scene” and “protect[] the evidence” than releasing the keys to a neighbor. Moreover, giving the keys to the Neighbor did not solve the problems NE#1 expressed on her BWV: that there would be no receipt and the next of kin would not know the keys were in evidence. Giving the keys to the Neighbor created the same problems and, similarly, could have been addressed by informing the Medical Examiner’s Office of the location of the keys and noting the same in her Incident Report.

While NE#1 had good intentions in resolving this issue in the manner she did, it was neither an appropriate resolution nor the one required by policy to secure the scene, protect the evidence, and restrict access to the scene.

Accordingly, OPA recommends this allegation be Not Sustained- Training Referral.

- **Training Referral:** Had NE#1 remained with the Department, OPA would have requested NE#1’s chain of command discuss OPA’s findings with NE#1. Command staff would have incorporated counseling and training on relevant sections of SPD Policy 15.055. Retraining and counseling would have been documented and maintained in Blue Team.

Recommended Finding: **Not Sustained - Training Referral**