

Issued Date: JULY 8, 2024

From: Director Gino Betts, Jr. 
Office of Police Accountability

Case Number: 2024OPA-0026

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene
Finding: Sustained
 - **Imposed Discipline:** No Discipline; Re-training

Named Employee #2

- 1. Allegation #1:** 15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene
Finding: Sustained
 - **Imposed Discipline:** No Discipline; Re-training

Named Employee #3

- 1. Allegation #1:** 15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene
Finding: Sustained
 - **Imposed Discipline:** No Discipline; Re-training

Named Employee #4

- 1. Allegation #1:** 15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene
Finding: Sustained
 - **Imposed Discipline:** No Discipline; Re-training

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

Executive Summary:

The Complainant alleged the four named employees (NE#1-NE#4) failed to secure a death investigation scene.

Administrative Note:

On May 31, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

Summary of Investigation:

On January 10, 2024, an anonymous Complainant submitted an OPA complaint regarding a YouTube video. The Complainant self-identified as a retired law enforcement officer concerned about the “crime scene control, crime scene contamination, open access to the media, and filming of the deceased[’s] remains.”

OPA investigated the complaint, reviewing the YouTube video, computer-aided dispatch (CAD) call report, incident report, and body-worn video (BWV). OPA also interviewed the named employees. The Complainant was not interviewed since no contact information was provided.

The named employees responded to a call involving found human remains. NE#1 and NE#4 arrived first and met the reporting party, Community Member #1 (CM#1), on a sidewalk. CM#1 told the officers that her public service organization was cleaning up an abandoned encampment when they located a human skeleton inside a tent on a nearby steep hill. NE#2 and NE#3 arrived as NE#1 and NE#4 climbed the hill.

All four named employees entered the area where the remains were located. Multiple community member volunteers, including CM#1 and Community Member #2 (CM#2), also entered that area. All four named employees commented that the remains were human. NE#4—the primary officer—went down the hill and screened the matter with Witness Sergeant #1 (WS#1) and a King County medical examiner (KCME).

NE#1 questioned community members about how the remains were discovered. NE#1 noticed the skeleton missing a skull and unsuccessfully searched the area. NE#1 stopped short of entering the tent, saying they did not want to disturb the scene before KCME photographed it. NE#3 looked for evidence around the tent. NE#2 searched for the missing skull, took photos, and guarded the skeleton. Shortly thereafter, NE#2 and NE#3 left to respond to another call.

The named employees’ BWV captured their response, showing:

CM#2 moved through the scene, taking photos and filming. At one point, NE#2 asked CM#2 whether she needed to photograph inside the tent. CM#2 entered the tent where the remains were located, lifting and moving various objects. NE#1 gave another community member a

flashlight to look inside the tent as CM#2 rummaged through it. The community members roamed the incident location unrestricted, including inside the tent. There were no apparent efforts to secure the scene, nor were efforts documented in the incident report. BWV was generally consistent with the one-minute, twenty-four-second YouTube video, showing volunteers moving throughout the scene, the tent, and the remains in the named employees' presence.

KCME arrived but did not recover the remains due to the hazardous terrain and loss of daylight. The incident location was on a steep hill. BWV and the YouTube video showed people struggling to balance and bracing against objects. NE#4 also said he was "scared to move."

During their OPA interviews, NE#1, NE#2, and NE#4 admitted to failing to secure the death investigation scene. However, NE#3 denied violating the policy, suggesting that scene security fell on the "primary officer." Later, after reviewing the policy, NE#3 acknowledged that she should have assisted with performing the required scene protections.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene The Complainant alleged the named employees failed to secure a death investigation scene.

For death investigation scenes, among other duties, patrol officers must "[secure] the scene, [protect] the evidence, [isolate] witnesses and [identify] suspects." See SPD Policy 15.055-TSK-1. Additionally, patrol officers must "restrict access to other than essential personnel." Id.

Three of the four named employees admitted to violating this policy. They took no steps to restrict scene access, allowing several community members to wander freely, potentially contaminating the scene and compromising evidence collection. Moreover, the named employees searched the death investigation scene, something they were unqualified to do. All of this compromised the quality and thoroughness of the death investigation.

Patrol officers are required to secure death investigation scenes to protect potential evidence and the decedent's dignity. Here, several nonessential persons wandered the site. CM#2 freely photographed and filmed the scene and later posted it on YouTube. The video and photographs captured the remains and the abandoned encampment where the decedent may have lived.

Moreover, NE#3's interpretation that securing death investigation scenes was the primary officer's sole responsibility is unfounded. The first line of the policy states: "This policy applies to all employees who investigate the death of a person." SPD Policy 15.055 – Death Investigation (emphasis added). Even if the principal responsibilities rested with the "primary officer," secondary officers are not without responsibility for securing death investigation scenes. Notably, SPD Policy 15.055-POL-1 states that all responding patrol officers are responsible for conducting the duties listed in SPD Policy 15.055-TSK-1, including scene security. NE#4, the "primary officer," left the site to brief his sergeant and KCME. In NE#4's absence, the secondary officers

were not absolved from protecting the scene— particularly when NE#3, a secondary officer, had more law enforcement experience than the other named employees combined.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #2 - Allegation #1

15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene

For the reasons set forth above at Named Employee #1, Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #3 - Allegation #1

15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene

For the reasons set forth above at Named Employee #1, Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #4 - Allegation #1

15.055 - TSK - 1 Primary Patrol Officer Responsibilities at Death Investigations Patrol Officer 1. Secures the scene

For the reasons set forth above at Named Employee #1, Allegation #1, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**