



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0336

Issued Date: 10/18/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 7.050-PRO-1 Checking Out Evidence For Court (Policy issued on February 19, 2014)
OPA Finding	<b>Not Sustained</b> (Training Referral)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

The Named Employee checked out narcotics evidence from the SPD Evidence Unit and delivered it to a Prosecutor, as requested by the Prosecutor.

#### **COMPLAINT**

The complainant, a supervisor with the Department, alleged that the Named Employee may have mishandled evidence that went missing for some time, and was later found during an SPD investigation into the missing evidence.

#### **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. Interview of an SPD employee

## **ANALYSIS AND CONCLUSION**

The preponderance of the evidence shows the Named Employee checked narcotics evidence out from the SPD Evidence Unit and delivered that evidence into the hands of a Prosecutor, as requested by the Prosecutor. After leaving the evidence with the Prosecutor, the Named Employee failed to return to the Evidence Unit a copy of a receipt signed by the Prosecutor who took custody of the evidence to the Evidence Unit as required by SPD Policy §7.050-PRO-1(9.b). As a result, the evidence was missing when a routine audit of the Evidence Unit was later conducted. This, plus the Named Employee's failure to respond to a request for information from the auditor, resulted in a criminal investigation into the missing evidence and the use of investigative resources for this purpose rather than one of the many other narcotics cases needing investigation. The Named Employee should receive clear directions from his supervisor regarding the importance of meticulously following the requirements of policy and procedure when handling evidence, a task which is a routine part of his assignment.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Checking Out Evidence For Court*.

**Required Training:** The Named Employee's supervisor should counsel the Named Employee regarding the critical importance of meticulously following policy and procedure when handling evidence. He should be reminded of the reasons for these procedures and their importance to the administration of justice. Finally it should be pointed out that his failure to properly document his handling of narcotics evidence combined with his failure to respond to the email from the Audit Section, resulted in the re-direction of valuable investigative resources to locate the narcotics.

*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.*