



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1389

Issued Date: 03/24/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 11.050 (1) Detainee Property: Officers Secure Detainee Property (Policy that was issued 10/01/14)
OPA Finding	Not Sustained (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	<u>Seattle Police Department Manual</u> 11.050 (1) Detainee Property: Officers Secure Detainee Property (Policy that was issued 10/01/14)
OPA Finding	Sustained
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (8) In Car Video System: Once Recording Has Begun, Employee Shall Not Stop Recording Until the Event Has Concluded (Policy that was issued 02/01/15)
OPA Finding	Not Sustained (Inconclusive)
Final Discipline	Oral Reprimand

Named Employee #3	
Allegation #1	<u>Seattle Police Department Manual</u> 11.050 (1) Detainee Property: Officers Secure Detainee Property (Policy that was issued 10/01/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/15)
OPA Finding	Sustained
Final Discipline	Written Reprimand

Named Employee #4	
Allegation #1	<u>Seattle Police Department Manual</u> 11.050 (1) Detainee Property: Officers Secure Detainee Property (Policy that was issued 10/01/14)
OPA Finding	Not Sustained (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 16.090 (6) In Car Video System: Employees Will Record Police Activity (Policy that was issued 02/01/15)
OPA Finding	Sustained
Final Discipline	No Discipline, additional training to be provided

INCIDENT SYNOPSIS

The named employees were dispatched to a report of a suspicious man walking around with a flashlight and a sword. An update to the call indicated that the caller thought that the man may be in crisis as he was slashing the sword at the main entrance of an apartment building. The named employees located a subject who matched the description inside the apartment complex. The subject was checked for additional weapons and was arrested for unlawful use of weapons. The subject, the complainant, was brought over to named employee #1's patrol vehicle and named employee #2 began to secure the complainant's property. The complainant mentioned that he left the stove on in his apartment and indicated that he lives with his

girlfriend. Named employee #2, #3 and #4 walked to the apartment complex. Only named employee #2 had his In-Car Video (ICV) microphone activated. There was a conversation with a female manager or neighbor indicating that the complainant lives with his girlfriend and then the wireless signal is lost and muting occurs. No further conversation is heard until the officers are seen exiting the complex. The complainant was booked into jail and the property form did not include keys.

COMPLAINT

The complainant alleged that the named employees kept his keys after he had been arrested.

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. Interviews of SPD employees

ANALYSIS AND CONCLUSION

The evidence showed that named employee #2 was responsible for the complainant's keys and handed them over to the female with whom the complainant had been living. The complainant had not asked the police to give his keys to the female, nor did named employee #2 have the complainant's permission to do so. The complainant's reaction when he discovered his keys missing and his decision to file a complaint about his missing keys are further evidence that named employee #2 did not secure the complainant's property as required by policy. The OPA investigation showed that named employee #1, #3 and #4 were not responsible for the complainant's keys. During the investigation it was determined that named employee #2 muted his In-Car Video microphone during this event and that named employee #3 and #4 did not have an In-Car Video for this event.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that named employee #1 was not responsible for the complainant's keys. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Detainee Property: Officers Secure Detainee Property*.

Named Employee #2

Allegation #1

The evidence showed that named employee #2 was responsible for the complainant's keys when he gave them without the complainant's permission to the female with whom the complainant had been living with. Therefore a **Sustained** finding was issued for *Detainee Property: Officers Secure Detainee Property*.

Allegation #2

The evidence could not determine whether or not named employee #2 muted his In-Car Video microphone deliberately or if it was an equipment malfunction. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *In Car Video System: Once Recording Has Begun, Employee Shall Not Stop Recording Until the Event Has Concluded*.

Discipline imposed: Oral Reprimand

Named Employee #3

Allegation #1

The evidence showed that named employee #3 was not responsible for the complainant's keys. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Detainee Property: Officers Secure Detainee Property*.

Allegation #2

The evidence showed that named employee #3 did not record his law enforcement activity during this incident as required by policy. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline imposed: Written Reprimand

Named Employee #4

Allegation #1

The evidence showed that named employee #4 was not responsible for the complainant's keys. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Detainee Property: Officers Secure Detainee Property*.

Allegation #2

The evidence showed that named employee #4 did not record her law enforcement activity as required by policy. Therefore a **Sustained** finding was issued for *In Car Video System: Employees Will Record Police Activity*.

Discipline imposed: No Discipline, additional training to be provided

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.