



## ***CLOSED CASE SUMMARY***

ISSUED DATE: DECEMBER 19, 2022

FROM: DIRECTOR GINO BETTS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0194

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

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	15.055 - Death Investigation 15.055-TSK-1 Primary Patrol Officer Responsibilities at Death Investigations	Not Sustained - Unfounded (Expedited)
# 2	15.180 - Primary Investigations 15.180-POL 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	15.055 - Death Investigation 15.055-TSK-1 Primary Patrol Officer Responsibilities at Death Investigations	Not Sustained - Unfounded (Expedited)
# 2	15.180 - Primary Investigations 15.180-POL 1. Officers Shall Conduct a Thorough and Complete Search for Evidence	Not Sustained - Unfounded (Expedited)

***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) and Named Employee #2 (NE#2) failed to conduct a thorough and complete evidence search during a death investigation.

### **ADMINISTRATIVE NOTE:**

This case was designated an Expedited Investigation. That means OPA, with the Office of Inspector General's review and approval, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees.

During its intake investigation, OPA found NE#1, after activating her Body-Worn Video device, failed to properly notify surrounding community members they were being recorded. If proven, that allegation would violate SPD Policy 16.090 - In-Car and Body-Worn Video 16.090-POL 1 Recording with ICV and BWV (5)(a) Notification of Recording. OPA returned that allegation to the chain-of-command for Supervisor Action.



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**SUMMARY OF INVESTIGATION:**

On June 17, 2022, SPD officers, including NE#1 and NE#2, respond to an apartment where the Complainant's brother was found deceased.

The Complainant alleged NE#1 and NE#2 did not conduct a thorough and complete investigation regarding her brother's death. Specifically, she alleged NE#1 and NE#2, prior to the homicide detective's arrival, should have collected blood evidence and searched for fingerprints. The Complainant did not believe her brother died from an overdose.

During its investigation, OPA reviewed the original web complaint, CAD records, BWV from both Named Employees, photographs, Incident and Supplemental Reports, and OPA's interview with the Complainant. The Named Employees' entire response to, and investigation of, this incident was captured on BWV.

On June 17, 2022, the deceased's parents discovered his body after building maintenance let them into the apartment. The parents were unable to contact their son for a week. BWV showed NE#1 identify herself to, and take statements from, the deceased's parents and a neighbor. NE#1 observed the deceased lying on a couch and noted apparent trauma around his eye. An unidentified white powder was observed on a coffee table. BWV showed NE#1 was instructed by a supervising officer (SO#1) to secure the scene for the homicide detective and a King County Medical Examiner Office (KCME) Investigator. A homicide detective responded to the scene and noted discoloration on the deceased's face and left forearm, and the body's bloated condition. A plastic baggy containing white powder was observed and listed as an unknown narcotic. The detective took 22 photographs of the scene and statements from a neighbor and the Complainant. BWV showed NE#1 brief NE#2 upon his arrival. NE#2 told a neighbor there would be increased police activity in the building related to the investigation and to let other community members know. NE#2 retrieved evidence from the scene including ledgers, plastic baggies, scales, U.S. currency, and three iPhones. NE#2 and a witness officer (WO#1) took 40 photographs of the scene. A KCME Investigator responded to the apartment and collected the unknown white powder. The KCME Investigator also took the deceased's body.

**ANALYSIS AND CONCLUSIONS:**

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

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

The Complainant alleged the Named Employees should have collected blood evidence and searched for fingerprints.

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.*

Here, OPA reviewed CAD records, BWV, photographs, Incident and Supplemental Reports, and OPA's interview with the Complainant. BWV showed the Named Employees, who were first to arrive on scene, secured the scene and protected evidence. The Named Employees also interviewed the deceased's parents and neighbors. Additionally, NE#2 took photographs and retrieved collected evidence. Follow-up units, including the Homicide Unit and a KCME Investigator also responded. Overall, the Named Employees were not required to collect the specific pieces of



evidence listed by the Complainant, particularly where specialized follow-up units were equipped to do it, which documentation indicated occurred.

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

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

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

***15.180 - Primary Investigations 15.180-POL 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

The Complainant alleged the Named Employees did not conduct a thorough and complete investigation regarding her brother's death.

SPD Policy 15.180-POL-1 requires, in primary investigations, officers conduct a thorough and complete search for evidence. The policy further requires officers to collect evidence, but evidence that is impractical to collect shall be photographed by officers and retained by the owner. SPD Policy 15.180-POL-1.

Here, as noted above, BWV showed the Named Employees secured the scene and collected evidence. After the arrival of the Homicide Unit and KCME Investigator, NE#2 collected evidence, including U.S. currency, four scales, three iPhones, ledgers, and plastic baggies. Additionally, NE#2 and WO#1 photographed the scene and uploaded those photos into Evidence.com. Pursuant to SPD Manual 15.055-TSK-1, further evidence gathering was supposed to be completed by follow up units, which documentation indicated occurred.

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

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

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

For the reasons set forth above at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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

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

***15.180 - Primary Investigations 15.180-POL 1. Officers Shall Conduct a Thorough and Complete Search for Evidence***

For the reasons set forth above at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

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