




## CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 28, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0103

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

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	7.010 - Submitting Evidence, 7.010 POL-1. Employees Secure Collected Evidence	Not Sustained - Unfounded (Expedited)

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	7.010 - Submitting Evidence, 7.010 POL-1. Employees Secure Collected Evidence	Not Sustained - Unfounded (Expedited)

#### Named Employee #3

Allegation(s):		Director's Findings
# 1	7.010 - Submitting Evidence, 7.010 POL-1. Employees Secure Collected 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:**

On January 19, 2022, Named Employee #1 (NE#1), Named Employee #2 (NE#2), and Named Employee #3 (NE#3) responded to King County Metro's call involving two men selling alcohol on a sidewalk. The named employees seized the Complainant's unopened liquor bottles and laundry detergent, which they believed were stolen and being illegally resold. The Complainant alleged that the named employees unlawfully confiscated his property based on racial bias. OPA separately investigated those allegations under 2022OPA-0376, finding them not sustained (unfounded).

This case summary addressed the Complainant's allegation that the named employees stole up to twenty liquor bottles for personal use.

### **ADMINISTRATIVE NOTE:**

This case was approved for an Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the involved employee. As such, OPA did not interview the named employees in this case. OIG also certified this investigation as thorough, timely, and objective.



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**SUMMARY OF INVESTIGATION:**

***A. OPA Complaint & Complainant Interviews***

On February 28, 2023, the Complainant contacted OPA for a status update on 2022OPA-0376. At that time, he alleged that when his seized alcohol was returned, ten bottles of scotch and five bottles of Hennessy were missing. The Complainant alleged that the named employees stole the missing bottles for personal use and that the bottles were improperly submitted as evidence.

On March 6, 2023, OPA interviewed the Complainant about the missing liquor. In that interview, the Complainant claimed that fifteen to twenty Hennessy and scotch bottles were missing. The Complainant said he videoed himself opening the boxes given to him by the SPD evidence unit, proving there was missing liquor. OPA requested the Complainant's video. The Complainant said he wanted to review it before sending it to OPA. The Complainant never provided OPA with the video.

The Complainant's liquor was seized on January 19, 2022. SPD's evidence unit returned it to the Complainant on November 16, 2022. The next day, November 17, 2022, the Complainant was interviewed for 2022OPA-0376. During his March 6, 2023, interview, OPA asked the Complainant why he did not mention the missing property on November 17, 2022. The Complainant did not explain.

***B. Body-Worn Video (BWV)***

OPA reviewed relevant BWV – specifically from NE#1 and NE#3 – showing the Complainant's display of liquor bottles on a sidewalk near 3<sup>rd</sup> Ave & Virginia St. NE#1, NE#3, and King County Sheriff's Office deputies seized and placed the items in a van that later transported them to the West Precinct. OPA observed between 39 and 42 bottles on the sidewalk. The bottles appeared to be various types of whiskey, but no Hennessy bottles were captured.

***C. Incident Reports & Evidence Records***

OPA reviewed NE#2's incident report and NE#3's inventory of the Complainant's property. NE#2 wrote that he believed there were forty-four bottles of unopened liquor, listing each by name and approximate value. Eight bottles of grain spirits (scotch, bourbon, rye, whiskey/whisky) were listed.



Clan Macgregor-19.99

Wild Turkey-19.99

Jim Beam-17.99

Glass Manor-17.99

BSB-19.99

Templeton Rye-35.99

Jameson cold brew-26.99

Proper 12-19.99

*Whiskey varieties and estimated values, listed by NE#2*

Hennessey was not on the list. A bottle of scotch (Clan Macgregor) was listed, which NE#2 valued at \$19.99. NE#2's inventory listed forty-two seized bottles with estimated values ranging from \$9 - \$36 per bottle.

NE#3 documented the seized liquor in a supplemental property report. NE#3 created five evidence tags by liquor category, totaling twenty-nine bottles. Four evidence categories listed undefined quantities between five and eight items each. Those evidence groups were valued at \$100-125 per group. One of the five categories showed a bottle valued at \$125.

VEHICLE / PROPERTY & ITEMS SUMMARY				
DESCRIPTION / MAKE / MODEL / COLOR	STATUS / DATE / REASON FOR CUSTODY	VIN # / SERIAL #	QTY.	TOTAL (\$) VALUE
Laundry Detergent / Arm & Hammer / Other (OTH)	Seized / Jan 19, 2022 / Evidence		7	100
Whiskey and other liquor / Various / Other (OTH)	Seized / Jan 19, 2022 / Evidence		1	125
Tequila and other liquor / Jose Cuervo / Other (OTH)	Seized / Jan 19, 2022 / Evidence		7	125
Whiskey and other liquor / Other (OTH)	Seized / Jan 19, 2022 / Evidence		8	100
Vodka and other liquor / Other (OTH)	Seized / Jan 19, 2022 / Evidence		8	100
Liquor bottles / Other (OTH)	Seized / Jan 19, 2022 / Evidence		5	100

*Property as summarized on NE#3's Supplemental Report*

The evidence records did not indicate how the liquor was packaged. The Complainant's property release form showed the inventory tags as NE#3 generated them.



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**D. Photos**

OPA reviewed a photo of the liquor seized by the named employees on a table in the West Precinct. The photo showed forty-two bottles of liquor. The pictured liquor included vodka, tequila, gin, rum, and whiskey. No bottles of Hennessy were displayed.

**E. Security Camera Video**

OPA reviewed security camera footage of the Complainant collecting his property on November 16, 2022. The video showed the Complainant gathering several boxes and leaving. OPA did not observe the Complainant opening the boxes or examining the contents.

**ANALYSIS AND CONCLUSIONS:**

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

***7.010 - Submitting Evidence, 7.010 POL-1. Employees Secure Collected Evidence***

For the reasons at Named Employee #3 – Allegation #1, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

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

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

***7.010 - Submitting Evidence, 7.010 POL-1. Employees Secure Collected Evidence***

For the reasons at Named Employee #3 – Allegation #1, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

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

**Named Employee #3 - Allegation #1**

***7.010 - Submitting Evidence, 7.010 POL-1. Employees Secure Collected Evidence***

The Complainant alleged that NE#3 improperly inventoried his liquor bottles and that NE#3 stole bottles for personal use.

SPD Policy 7.010-POL-1 requires that employees secure collected evidence. It further instructs employees to place that evidence into the Evidence Unit or an authorized storage area before their shift ends.

Here, the Complainant alleged up to twenty scotch and Hennessy bottles were not returned to him. NE#2's documentation, corroborated by BWV and a photo, establishes that this was unfounded. Only one of the forty-two items inventoried by NE#2 was branded as "Scottish Whisky," and no bottles of Hennessy were seized from the Complainant. Despite claiming to have video evidence supporting his allegations, the Complainant did not provide it



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to OPA. Moreover, the Complainant's allegation came nearly four months after he picked up his property and filed his first OPA complaint.

OPA noticed possible discrepancies between the total number of liquor bottles inventoried by NE#2 in his incident report and NE#3's supplemental property summary. Specifically, NE#3's inventory contained fourteen fewer items (in undefined quantities) than observed on BWV, in photos, and NE#2's incident report. However, there is no indication of how the items were packaged or grouped when submitted as evidence or recovered by the Complainant. OPA also notes that NE#3 valued an evidence tag with a quantity of "1" at \$125. No single bottle of liquor inventoried by NE#2 exceeded \$36 in value. While NE#3 may have made one or more errors in his documentation, the evidence shows the Complainant's allegation that officers mishandled up to twenty scotch and Hennessy bottles is unfounded.

Despite the ambiguities or possible errors made while documenting the Complainant's property, the available evidence does not suggest that the named employees seized more than a single bottle of scotch or any Hennessy.

Accordingly, OPA recommends this allegation be Not Sustained - Unfounded (Expedited)

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