



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 9, 2019

CASE NUMBER: 2018OPA-0694

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)
# 2	6.185 - Search Warrants 6.185-PRO-1 Administrative Search Warrant Procedure	Not Sustained (Lawful and Proper)
# 3	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report	Not Sustained (Lawful and Proper)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)
# 2	6.185 - Search Warrants 6.185-PRO-1 Administrative Search Warrant Procedure	Not Sustained (Lawful and Proper)
# 3	15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report	Not Sustained (Lawful and Proper)

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 that \$600 was stolen from her vehicle when it was in the custody of the Named Employees.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Complainant’s vehicle was impounded as the result of an assault investigation. A warrant was obtained to search the Complainant’s vehicle and was effectuated by the Named Employees. Ultimately, the vehicle was towed by Lincoln Towing. The Complainant picked up the vehicle from Lincoln’s tow lot.

The Complainant filed two complaints concerning the towing and impounding of her car. The first, which was handled under 2018OPA-0655, concerned the decision to seize the Complainant’s car. With the review and approval of the OPA Auditor, that case was closed as a Contact Log as, even if the Complainant’s claims were true, she did not allege a plausible policy violation.



The Complainant also initiated this case, which concerned the alleged theft of \$600 from her vehicle. The Complainant asserted that the Named Employees were involved in the theft.

OPA then commenced this investigation. Given the nature of the Complainant's allegations, OPA referred this matter back to SPD to determine whether any criminal conduct had taken place. That investigation yielded the conclusion that there was no evidence supporting a finding that either Named Employee engaged in such conduct. Notably, the investigator referenced that the Complainant asserted that none of her money was in the car when it was returned to her but that the Named Employees inventoried \$78 that they found in the car and took photographs of that money. He reasoned that it would have been illogical for the Named Employees to have created such documentation and then stolen the money.

At their OPA interviews, the Named Employees denied stealing money from the vehicle. They stated that they only located \$78 and that they inventoried and photographed that money. They explained that they left the money in the Complainant's car so that she was not later required to get it out of evidence, thus further burdening her.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If, as the Complainant alleged, the Named Employees stole money from her vehicle, they would have violated the law and Department policy. However, as discussed above and when applying a preponderance of the evidence standard, there is insufficient evidence in the record to prove that they did so. As such, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

6.185 - Search Warrants 6.185-PRO-1 Administrative Search Warrant Procedure

SPD Policy 6.185-PRO-1 sets forth the procedure for generating and serving an administrative search warrant.

Based on OPA's investigation, it appears that the Named Employees collectively carried out the requirements of this policy in this case. Notably, they generated the search warrant, screened it with a Sergeant and received approval, served the warrant, completed the warrant packet, and filed the warrant in King County Superior Court. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #3

15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report

SPD Policy 15.180-POL-5 requires officers to document all primary investigation on a General Offense Report. Here, the Named Employees did not document the seeking and service of the warrant in the General Offense Report. The Named Employees explained, however, that it was their practice to instead include this information in a Case Investigation Report, which they completed here.



As the Named Employees completed a Case Investigation Report, I find that they satisfied the requirements of this policy. Accordingly, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #2 - Allegations #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegation #2

6.185 - Search Warrants 6.185-PRO-1 Administrative Search Warrant Procedure

For the same reasons as stated above (see Named Employee #1, Allegation #2), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #2 - Allegation #3

15.180 - Primary Investigations 5. Officers Shall Document all Primary Investigations on a General Offense Report

For the same reasons as stated above (see Named Employee #1, Allegation #3), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**