



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 7, 2019

CASE NUMBER: 2019OPA-0239

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	7.010 - Submitting Evidence 1. Employees Secure Collected Evidence	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)

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 Named Employee #1 (NE#1) took possession of four highly valuable stamps and that, after being released from custody, he did not receive them back. He speculated that NE#1 or another unknown SPD officer may have taken his stamps and sold them.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

7.010 - Submitting Evidence 1. Employees Secure Collected Evidence

The Complainant was arrested by SPD officers for selling narcotics. He was searched incident to arrest and NE#1 located heroin in his right inside coat pocket. The Complainant was transported to the West Precinct and, at that time, NE#1 inventoried the Complainant’s property. This included searching the Complainant’s backpack. In the backpack, NE#1 located a box of stamps with an email address on the top of the box. NE#1 asked the Complainant about the stamp box and the Complainant stated that it was given to him by his cousin. However, the Complainant would not tell NE#1 what his cousin’s name was, who the email address on the box belonged to, or when he was given the stamps. NE#1 entered the stamps into evidence based on the belief that they could be stolen. The box of stamps, the Complainant’s backpack, the heroin, and \$137.97 seized from the Complainant were inventoried as evidence.

The box of stamps was placed into the West Precinct evidence room by another officer on May 17, 2018. On May 18, 2018, the stamps were transferred to SPD’s Evidence Unit by a third officer. On May 22, 2018, an Evidence Technician moved the stamps to their storage location within the Evidence Unit. Based on Department records,



there is no evidence that anyone accessed or moved the stamps until they were provided by SPD to the Complainant's attorney on September 21, 2019.

The Complainant later alleged to OPA that, after his arrest, NE#1 took possession of four highly valuable stamps and that, after being released from custody, he those stamps were not returned to him. He claimed that NE#1 or another unknown SPD officer may have taken his stamps and sold them. This investigation ensued.

As part of its investigation, OPA reviewed the Body Worn Video (BWV) associated with this incident. The BWV video was consistent with the reports generated by NE#1 and other officers. The BWV showed that, while searching the Complainant's wallet at the West Precinct, NE#1 located a partially see-through envelope with three to four stamps inside. Based on a review of another officer's BWV, it appeared that this envelope was placed inside of the stamp box that was transported with the Complainant to jail. The box and the stamps inside were later processed as evidence.

OPA additionally spoke with an anonymous witness who asserted that the Complainant alleged that the four valuable stamps were missing prior to receiving his property back from his attorney. At the time he made that complaint, he had not yet gone through the stamp box and would not have known that the stamps were missing.

SPD Policy 7.010-POL-1 instructs that: "Employees will place evidence into the Evidence Unit or an authorized evidence storage area before they end their shift." The policy further states that: "Employees will not keep collected evidence for personal use." (SPD Policy 7.010-POL-1.)

Based on OPA's review of the evidence, it appears that NE#1 and other SPD officers properly inventoried the Complainant's property, included the stamps they located, and placed that property into evidence. Moreover, there is no evidence supporting the Complainant's assertion that NE#1 or, for that matter, any other officer took the stamps and sold them for their own personal benefit. To the contrary, the evidence indicates that the stamps were entered into evidence, that the chain of custody was maintained, and that no one else touched the stamps until they were returned to the Complainant's attorney at his request. Moreover, the fact that the Complainant asserted that the stamps had been stolen without even having examined his property causes OPA to question his account and supports the conclusion that no misconduct occurred.

For these reasons, I find that NE#1 complied with this policy and, as such, 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

As discussed above, OPA found no evidence to support the Complainant's allegation that an unknown SPD officer took and sold his highly valuable stamps. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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