



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 6, 2020

CASE NUMBER: 2020OPA-0102

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)

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 unidentified SPD officers misappropriated her daughter's property.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the review and approval of the Office of Inspector General for Public Safety, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the Named Employees. As such, the Named Employees were not interviewed as part of this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

On February 1, 2020, the Complainant's daughter – referred to here as the "Subject" – was arrested for DUI and assault. When she was taken into custody, the Subject's vehicle was impounded and towed from the scene. The Complainant later alleged that unknown SPD officers misappropriated various of the Subject's property, including \$1,100, two bottles of medication, and \$200 earbuds. The Complainant also asserted that, due to the officers' conduct, the Subject lost several days of work. Lastly, the Complainant requested that she be reimbursed for the \$268 towing fee. This OPA investigation ensued.

During its investigation, OPA interviewed the Complainant, who reiterated her allegations. OPA also watched relevant Body Worn Video (BWV) and reviewed the documentation generated concerning this incident.

The BWV indicated that, prior to being pulled over, the Subject operated her vehicle in a dangerous manner that violated several traffic laws. During the traffic stop, the Subject acted erratically, including getting out of her vehicle and failing to comply with the officers' orders. The officers assessed that she was impaired and asked her to complete voluntary Field Sobriety Tests. She initially agreed to do so but was ultimately uncooperative. Based on her continued demeanor and the officers' perceptions of her condition, the Subject was arrested for DUI. During her arrest, she struggled against the officers, including kicking one in the knee and causing him to suffer an injury.

After she was taken into custody, the Subject was searched incident to arrest. No money was found on her person or in her purse. Officers also did not locate earbuds. Officers did find prescription medication and that medication was entered into evidence. The BWV showed officers inspect the Subject's vehicle. It conclusively established that no officer removed any property from the vehicle. The BWV indicated that there was a wallet in the center console but did not show whether there was any money inside. There was no evidence from the BWV that earbuds were inside of the vehicle. The vehicle was then towed from the scene and the officers had no further involvement with it.

The Subject's seized and inventoried property was ultimately placed in marked evidence envelopes. The property and where it was placed was fully documented in the report generated concerning this incident. The report did not mention any money or earbuds as being in the Subject's possession, which is consistent with the BWV.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Had unidentified SPD officers misappropriated the Subject's property, that conduct would violate this policy. However, the evidence indicates that this did not occur. As discussed above, there is no support for the assertion that the Subject had \$1,100 or \$200 earbuds in her possession at the time of her arrest, let alone that SPD officers stole either. Moreover, while the officers did take the Subject's prescription medication, it was entered into evidence consistent with SPD policy and was not misappropriated.

Moreover, SPD is not responsible for the towing fee or for the Subject's missed work as a result of this incident. The Subject chose to drive while impaired and then to assault an officer. Any liabilities suffered by the Complainant are ultimately the result of the Subject's poor decision-making and cannot be placed at the feet of any of the officers involved in her arrest.

For the above reasons, OPA recommends that this allegation be Not Sustained – Unfounded.

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