



## CLOSED CASE SUMMARY

ISSUED DATE: APRIL 6, 2020

CASE NUMBER: 2020OPA-0174

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

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	6.120 - Impounding Vehicles 4. Officers May Impound Vehicles With Prior Notice	Not Sustained (Unfounded)

#### Named Employee #2

Allegation(s):		Director's Findings
# 1	6.120 - Impounding Vehicles 4. Officers May Impound Vehicles With Prior Notice	Not Sustained (Unfounded)

#### Named Employee #3

Allegation(s):		Director's Findings
# 1	6.120 - Impounding Vehicles 4. Officers May Impound Vehicles With Prior Notice	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 and Named Employee #2 improperly towed her RV without affording proper notice. The Complainant further alleged that Named Employee #3 damaged her RV on an earlier occasion, which resulted in her property being stolen.

### **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**

##### ***6.120 - Impounding Vehicles 4. Officers May Impound Vehicles With Prior Notice***

The Complainant alleged that, on March 10, 2020, her RV was towed by unidentified SPD officers without the requisite 72-hour notice. She further alleged that, on a prior occasion, a bungee cord was removed from her RV door

and was not replaced. She stated that this resulted in her RV being broken into and her belongings being stolen. This investigation ensued.

OPA's investigation indicated that, on August 7, 2019, officers, which included Named Employee #3 (NE#3), responded to the Complainant's RV. At that time, there were several open warrants for her arrest. Body Worn Video (BWV) indicated that NE#3 removed bungee cords from the makeshift rear door of the RV to facilitate the Complainant's exit from the vehicle. The BWV further indicated that, once the Complainant was arrested, NE#3 replaced the bungee cords and left the RV in the same condition as he found it. As such, there is no support for the Complainant's allegation that NE#3 damaged her RV. Moreover, even if her RV was later broken into and her property stolen, NE#3 is not responsible for those occurrences.

With regard to the towing of the RV, OPA determined, again after reviewing BWV and relevant documentation, that Named Employee #1 (NE#1) attached a 72-hour notice onto the vehicle on March 6, 2020. NE#1 and Named Employee #2 (NE#2) returned to the location on March 10, 2020, after the 72-hour period had expired, and observed the RV parked in the same place. Accordingly, NE#1 completed an impound report, had the RV towed, and documented the incident appropriately. When NE#1 and NE#2 took this law enforcement action, they performed consistent with SPD policy and the law. As such, this allegation is also without a basis in fact.

For the above reasons, OPA recommends that the Complainant's allegations be Not Sustained – Unfounded as against all of the Named Employees.

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

**Named Employee #2 - Allegations #1**

***6.120 - Impounding Vehicles 4. Officers May Impound Vehicles With Prior Notice***

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

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

**Named Employee #3 - Allegations #1**

***6.120 - Impounding Vehicles 4. Officers May Impound Vehicles With Prior Notice***

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

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