




## CLOSED CASE SUMMARY

ISSUED DATE: MAY 6, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0379

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	15.180 - Primary Investigations, 15.180-POL-1 Officer Shall Conduct a Thorough and Complete Search for 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:**

The Complainant (Community Member #1 or CM#1) alleged that Named Employee #1 (NE#1) responded to CM#1's automobile theft call. During the call, CM#1 alleged NE#1 was unprofessional and minimally investigated the theft.

### **ADMINISTRATIVE NOTE:**

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

During its investigation, OPA noted another officer told CM#1 that SPD had limited resources to investigate the reported crime. OPA returned that officer's actions his chain of command for supervisor action.

### **SUMMARY OF INVESTIGATION:**

OPA reviewed the complaint, incident reports, and body-worn video (BWV). OPA also interviewed CM#1.

#### *A. Complaint and OPA Interview of CM#1*

CM#1 alleged that \$100,000 in equipment was stolen from her business. NE#1 was dispatched to investigate. CM#1 further alleged that NE#1 did not accompany her or her husband (CM#2) to retrieve a stolen truck. CM#1 told OPA she was not present when NE#1 interviewed CM#2. CM#1 alleged that NE#1 did photograph the crime scene and failed to ask thorough questions while interviewing CM#2. However, CM#1 later told OPA that NE#1 did ask thorough questions about the stolen property when he interviewed CM#2.



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*B. Body-Worn Video (BWV)*

NE#1's BWV showed his interaction with CM#1, CM#2, and theft investigation.

NE#1 arrived at CM#2's business and contacted CM#2. CM#2 said a truck was stolen from his business overnight and CM#1—his wife—recovered it. CM#2 said the truck's attached trailer and the excavator inside it were missing. NE#1 interviewed CM#2 concerning damaged and stolen property at the business, including asking for license plates and serial numbers. NE#1 repeated CM#2's account of the theft and damage back to him. NE#1 told CM#2 he would log the truck as "stolen/recovered."

During NE#1's interview of CM#2, NE#1 photographed the damaged property. NE#1 told CM#2 he would provide him with a web link to upload evidence. NE#1 told CM#1 and CM#2 he would speak with a nearby storage business to obtain security camera footage. CM#1 arrived at the scene. CM#1 believed there was video footage from where the truck was recovered. CM#1 told NE#1 that she and CM#2 would retrieve the recovered truck. CM#1 did not request that NE#1 accompany them. NE#1 spoke with the nearby storage business about their security cameras. The manager was unable to show NE#1 video footage. NE#1 provided a similar web link to the manager and asked him to upload security camera footage if they retrieved it.

*C. GO Incident Reports*

NE#1's incident reports documented his interaction with CM#1, CM#2, and follow-up actions.

On November 8, 2022, NE#1 documented that he received videos and photos from CM#1 that potentially depicted a suspect. NE#1 wrote that he contacted two businesses near where CM#1's truck was recovered, neither of which had usable security camera footage. NE#1 wrote that he spoke with an employee who witnessed the truck being parked near his construction site on the morning of November 2, 2022. NE#1 provided the employee with a web link to upload evidence. NE#1 also returned to the storage business to follow-up with the manager about security footage. The manager of the storage business was unable to load the footage onto a thumb-drive for NE#1. NE#1 provided the manager a web link to upload the footage.

**ANALYSIS AND CONCLUSIONS:**

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

***5.001 - Standards and Duties 10. Employees Shall Strive to be Professional***

CM#1 alleged that NE#1 was unprofessional and minimally investigated the auto theft.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. *Id.*

CM#1's allegation that NE#1 was unprofessional was based on her belief that NE#1 conducted an insufficient investigation. OPA reviewed NE#1's BWV and incident reports, which documented NE#1's investigation. For the



reasons set forth below at Named Employee #1 - Allegation #2, OPA found NE#1 conducted a thorough primary investigation.

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

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

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

***15.180 - Primary Investigations, 15.180-POL-1 Officer Shall Conduct a Thorough and Complete Search for Evidence***

CM#1 alleged that NE#1 did not conduct a thorough and complete primary investigation.

Officers must conduct a thorough and complete search for evidence during primary investigations. SPD Policy 15.180-POL-1. Further, officers must collect evidence and photograph evidence that is impractical to collect. *Id.*

OPA reviewed NE#1's BWV and incident reports. BWV showed that, before CM#1 arrived, NE#1 interviewed CM#2 by asking thorough questions about the damaged and stolen property. Additionally, NE#1 used his department-issued cell phone to photograph the damaged equipment. NE#1 later searched for evidence by speaking to a neighboring business about security camera footage. NE#1 provided a web link to CM#2 to upload evidence. While CM#1 stated that she wanted to check for evidence at the location where her truck was recovered, she did not indicate that she wished for NE#1 to accompany her. Approximately one week later, NE#1 did search for evidence near where CM#1's truck was recovered and interviewed a witness. Furthermore, NE#1 conducted additional follow-up investigation by speaking with the neighboring storage business a second time to obtain security camera footage.

OPA appreciates CM#1's frustration as the victim of a crime. However, the evidence shows NE#1 conducted a thorough and diligent primary investigation.

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

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