

Issued Date: MARCH 6, 2024

From: Director Gino Betts, Office of Police Accountability 

Case Number: 2023OPA-0397

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
 - a. **Finding:** Not Sustained - Unfounded (Expedited)
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Named Employee #2

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
 - a. **Finding:** Not Sustained - Unfounded (Expedited)
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Named Employee #3

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
 - a. **Finding:** Not Sustained - Unfounded (Expedited)
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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 Employees #1, #2, and #3 (NE#1, NE#2, and NE#3) incorrectly counted and documented the amount of cash seized and taken into evidence. The Complainant alleged \$4,960 was unaccounted for.

Administrative Note:

This case was approved for expedited investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On October 17, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

On September 11, 2023, the Complainant filed an OPA complaint, writing that he had \$15,520 in cash when an SPD officer arrested him and seized his belongings. He wrote, "Upon my release, I discovered a discrepancy in the amount of money recorded by the police. They had recorded and seized \$10,560, a shortfall of \$4,960 from the original \$15,520 I had on my person."

OPA investigated the complaint, reviewed the computer-aided dispatch (CAD) call report, incident and supplement reports, and body-worn video (BWV). OPA also interviewed the Complainant.

On September 30, 2021, at 1:08 PM, CAD call remarks noted, "FIRE ON SCENE REQ[UESTED] SPD FOR MALICIOUS FIRE ALARM PULL NO FURTHER."

NE#1 responded to an apartment with her BWV activated. She also wrote an incident report documenting her response. She wrote that she arrested the Complainant for tampering with a fire alarm, advised of his Miranda rights and searched him incident to arrest. She wrote finding, among other things, \$10,560 in cash in the Complainant's backpack. NE#1 wrote a booking receipt report indicating that \$15,520 was found in the Complainant's backpack. She also wrote the following in a supplement report: "This supplemental is to clarify that the correct amount of cash found in the suspect's backpack was \$10,560.00, as documented in the Offense Report. The amount was incorrectly documented in the superform and in the booking receipt as \$15,520.00."

NE#2 responded to the apartment with his BWV activated. He also wrote a supplement report consistent with NE#1's incident report. He wrote finding, among other things, \$10,560 in cash in the Complainant's backpack. He wrote that he recorded himself packaging and sealing the seized cash and securing it in an East Precinct cash safe.

NE#1 and NE#2 activated their BWV before searching the Complainant's backpack at the East Precinct. NE#1 counted the Complainant's money and documented specific amounts on brown construction paper while NE#2 inspected other items next to NE#1. NE#1 counted and documented \$10,520 on the brown construction paper. NE#1 did not account for two \$20 bills on the table. NE#1 filled a silver bag with the \$10,520. NE#2 placed the two \$20 bills in a brown paper bag, then put the brown paper bag in the Complainant's backpack. NE#2 placed the Complainant's belongings, including his backpack and silver bag, in an evidence locker. NE#2 later retrieved the silver bag and handed it to NE#3. NE#3 removed the cash, photographed it, and refilled the silver bag with the cash. NE#2 returned the silver bag to the evidence locker.



The Complainant's two \$20.00 bills were placed in a brown paper bag by NE#2 in the Complainant's backpack. This backpack was taken into evidence and placed in an evidence locker.

Additionally, BWV captured NE#2 retrieving the silver bag and backpack from the evidence locker and placing them on a table. NE#2 added the two \$20 bills in the silver bag. NE#2 placed the silver bag in the Complainant's backpack and returned the backpack to an evidence locker.

Finally, BWV captured the named employees counting the cash on a table in a different East Precinct room. NE#1 documented \$10,560 on a piece of paper. NE#1 also documented specific amounts on a currency envelope. NE#2 photographed the cash, inserted the cash in the currency envelope, and sealed the currency envelope.

On September 19, 2023, OPA interviewed the Complainant. He said he pulled the apartment fire alarm to get away from a person he believed was trying to rob him. He said he was immediately arrested outside while he had a significant amount of cash on his person. He said he had \$15,520 on him, but the amount seized was \$10,560.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

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

The Complainant alleged that the named employees failed to account for \$4,960.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

Here, BWV captured the named employees counting the Complainant's money on two separate occasions. First, NE#1 counted and documented \$10,520 worth of cash. NE#2 later accounted for

two \$20 bills, bringing the total to \$10,560. NE#3 was not involved in counting the cash, although she photographed it. Second, NE#2 counted the cash on a table in a different East Precinct room. NE#1 again documented \$10,560. NE#2 inserted the cash in a currency envelope and sealed it. BWV did not capture any named employee failing to account for \$4,960. Instead, BWV showed NE#1 and NE#2 counting and documenting \$10,560 in cash. Although NE#1's booking receipt report indicated that \$15,520 was found in the Complainant's backpack, she clarified in a supplement report that \$10,560 was the correct amount. BWV captured the named employees properly counting and documenting the Complainant's cash.

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

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

Named Employee #2 – Allegation #1

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

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #3 – Allegation #1

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

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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