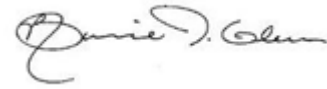

Issued Date: JUNE 25, 2024

From: Deputy Director Bonnie Glenn on Behalf of Gino Betts, Jr.
Office of Police Accountability



Case Number: 2023OPA-0552

Allegations of Misconduct & Director's Findings

Named Employee #1

- 1. Allegation #1:** 7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 7.010 – Submitting Evidence, 7.010-POL-2. Employees Document Evidence Collection
Finding: Not Sustained - Unfounded
- 3. Allegation #3:** 7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence
Finding: Not Sustained - Management Action
- 4. Allegation #4:** 7.080 – Money Evidence, 7.080-POL-1. Two Sworn Employees Will Document Currency Being Submitted (Effective October 1, 2020)
Finding: Not Sustained - Unfounded
- 5. Allegation #5:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Unfounded

Named Employee #2

- 1. Allegation #1:** 7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence
Finding: Not Sustained - Unfounded
- 2. Allegation #2:** 7.010 – Submitting Evidence, 7.010-POL-2. Employees Document Evidence Collection
Finding: Not Sustained - Unfounded

3. **Allegation #3:** 7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence
Finding: Not Sustained - Management Action
 4. **Allegation #4:** 7.080 – Money Evidence, 7.080-POL-1. Two Sworn Employees Will Document Currency Being Submitted (Effective October 1, 2020)
Finding: Not Sustained - Unfounded
 5. **Allegation #5:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Unfounded
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Named Employee #3

1. **Allegation #1:** 7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence
Finding: Not Sustained - Unfounded
 2. **Allegation #2:** 7.010 – Submitting Evidence, 7.010-POL-2. Employees Document Evidence Collection
Finding: Not Sustained - Unfounded
 3. **Allegation #3:** 7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence
Finding: Not Sustained - Management Action
 4. **Allegation #4:** 7.080 – Money Evidence, 7.080-POL-1. Two Sworn Employees Will Document Currency Being Submitted (Effective October 1, 2020)
Finding: Not Sustained - Unfounded
 5. **Allegation #5:** 5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy
Finding: Not Sustained - Inconclusive
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This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.

Executive Summary:

Named Employees #1, #2, and #3 (NE#1, NE#2, and NE#3) executed a search warrant at the Complainant's house. The Complainant alleged that the named employees seized cash and subsequently misplaced or mishandled it.

Administrative Note:

On May 13, 2024, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

Summary of Investigation:

A. OPA Complaint

On December 29, 2023, a lieutenant submitted an OPA complaint on the Complainant’s behalf, writing that the Complainant reported that the named employees seized items from his house while executing a search warrant. The Complainant reported that all items were returned except for \$25,000, and SPD’s Evidence Unit had no record of his money. The Complainant reported that NE#1—the lead detective on the case—could not locate his money.

OPA investigated the complaint, reviewing police reports, email correspondence, search warrant documents, video, photographs, and jailhouse calls. OPA interviewed the Complainant, named employees, and four witness employees.

B. Documentary Records

OPA reviewed the following documents:

- Police Reports. Police reports documenting the search warrant execution at the Complainant’s house did not list money in the property forms or evidence items. NE#1’s police report noted that all evidence associated with her investigation may be released to the Complainant. NE#2 and NE#3 did not write any police reports.
- Emails – Fiscal and Civil Forfeiture Units. SPD’s Fiscal and Civil Forfeiture Units informed OPA that its records did not indicate any money was deposited or retrieved by the Complainant.
- Search Warrant Documents. NE#1’s application for a search warrant documented NE#1’s belief that evidentiary items would be found at the Complainant’s house. A King County Superior Court judge approved that warrant. The search warrant inventory and return noted, “\$6000 cash – \$100 bills” as property seized, with NE#2’s initials signed on that page.
- Emails – Complainant. The Complainant informed OPA that the following cash amounts were in a Wells Fargo bag: \$6,000 in one envelope, \$17,000 in another envelope, and between \$300 to \$500 in loose cash. The Complainant wrote that when he retrieved his property from the Evidence Unit, the Wells Fargo bag was returned to him “completely empty with no contents whatsoever.”

C. Video

The Complainant provided OPA a private security system video capturing NE#2 and NE#3 searching the Complainant’s bedroom and reviewing documents. NE#2 found the Complainant’s camera, and NE#3 told NE#2 to cover it. NE#2 covered the camera with a hat. Someone said,

“Can you – can you just notate that there’s 6,000 bucks in. . .” The audio appeared to get cut off, and the video then ended.

D. Photographs

An SPD photographer (WE#1) took photographs documenting the execution of the search warrant. Four photographs depicted a dark Wells Fargo bag and cash. One photograph depicted NE#3 holding a dark Wells Fargo bag containing \$100 bills. Another photograph labeled, “Photo of money seized from [the Complainant’s] bedroom, \$6000” depicted six stacks of \$100 bills. The remaining two photographs were consistent with the previously described photographs.



Photo of money seized from the Complainant’s Bedroom. \$6,000.00 - six stacks of \$100.00 bills.

E. Jailhouse Calls

OPA reviewed 14 jailhouse calls between the Complainant, his girlfriend, and Community Member #1 (CM#1). In one call, CM#1 told the Complainant that officers destroyed the bedroom, and a laptop, phone, money bag, documents, and the cards were gone. The Complainant said he had \$6,400 in the money bag. CM#1 said the credit cards, identifications, and money bag were gone. CM#1 stated that officers covered her camera with one of her hats, causing the camera to go into “sleep mode.” CM#1 also stated a roommate told her the officers also covered a Ring camera. CM#1 referenced three roommates and discussed several people present at the Complainant’s house before CM#1 arrived. CM#1 also said someone collected items from the Complainant’s house and kept them at that person’s house.

F. OPA Interviews

1. The Complainant

On January 10, 2024, OPA interviewed the Complainant. The Complainant said officers executed a search warrant at his house and business, arrested him, and released him the following day. The Complainant said two roommates had access to his house during his absence. The Complainant said NE#3 seized two envelopes—\$17,000 in one and \$6,000 in the other—and loose cash totaling \$300 to \$500. The Complainant said he knew he had \$23,000 because he owed someone that amount, counted the cash, and wrote the total on the outside of the envelopes. The Complainant said the Wells Fargo bag returned to him was empty, and three

Evidence Unit employees told him they did not have his cash. The Complainant noted that his video captured an officer finding cash in his bedroom. The Complainant said NE#1 denied knowing where his cash was located when he asked her about it.

2. Witness Employee #1 (WE#1)

On February 20, 2024, OPA interviewed WE#1, a senior photographer. WE#1 said he photographed documents in the bedroom. WE#1 said he photographed a bag containing cash and a checkbook after an officer counted the cash. WE#1 recalled seeing six stacks of cash. WE#1 thought the cash was not collected as evidence because he believed he would have taken more detailed photographs of it had it been seized.

3. Witness Employee #2 (WE#2)

On February 20, 2024, OPA interviewed WE#2, a General Investigations Unit (GIU) detective. WE#2 said he searched a different room and did not find any money. WE#2 said he was unaware about specific items that needed to be seized. WE#2 denied knowing what was inside cardboard boxes that were transported to the East Precinct. WE#2 denied involvement in entering seized items into evidence.

WE#2 recalled hearing someone tell NE#1 that there was money in a safe at the Complainant's house, but a supervisor determined that officers did not need to return to the Complainant's house for it. WE#2 could not remember precisely when this conversation occurred.

4. Witness Employee #3 (WE#3)

On February 27, 2024, OPA interviewed WE#3, a Major Crimes Unit detective. WE#3 said he surveilled the Complainant's house before officers executed the search warrant. WE#3 said he searched a different room and the kitchen. WE#3 said he was unaware about specific items that needed to be seized. WE#3 said he searched for paperwork indicating dominion and control. WE#3 denied knowing whether money was located or seized.

5. Witness Employee #4 (WE#4)

On February 27, 2024, OPA interviewed WE#4, a GIU detective. WE#4 said he executed a search warrant at a different location. WE#4 said he was instructed to search for dominion and control paperwork and evidence. WE#4 said he would have contacted NE#1 had he found large sums of money. WE#4 recalled hearing an officer found \$6,000 at the Complainant's house. WE#4 denied involvement in processing evidence at the East Precinct.

6. Named Employee #1 (NE#1)

On February 13, 2024, OPA interviewed NE#1. NE#1 said officers searched three locations. NE#1 said NE#2 and NE#3 searched the Complainant's house, not herself. NE#1 said officers were searching for evidence associated with fraud, theft, or identity theft, not money. NE#1 said she processed evidence at the East Precinct by documenting electronic devices and making copies of documents. NE#1 said seized items were taken to the East Precinct's evidence storage.

OPA asked NE#1 about the photograph indicating \$6,000 was seized. NE#1 acknowledged labeling that photograph as “money seized” was a mistake because she said no money was seized. NE#1 said NE#2 and NE#3 told her about the money, but NE#1 denied seeing it or knowing where it went. NE#1 insisted no money was seized because she did not search for it and had no reason to seize it for safekeeping. NE#1 recalled that CM#1 and two roommates had access to the Complainant’s house.

NE#1 said she told the Complainant that officers did not seize his money. NE#1 said she spoke with NE#2 and NE#3, who said they left the money at the Complainant’s house. NE#1 said she would have packaged and submitted the cash as evidence had it been seized. NE#1 said she confirmed that the Evidence Unit and detectives took no money. NE#1 said detectives would have documented seized money in their reports.

On March 19, 2024, OPA reinterviewed NE#1. NE#1 believed she told officers to leave the cash because she lacked a “nexus” to it. NE#1 denied seeing the cash returned. NE#1 believed the cash was not entered into evidence because she found no results during an evidence search. NE#1 said all seized evidence was documented in reports. OPA asked NE#1 about the search warrant inventory and return documenting \$6,000 seized. NE#1 denied writing or reviewing that document. NE#1 said NE#2 wrote it.

NE#1 did not recall, specifically, whether or how the door to the Complainant’s house was secured. NE#1 stated it would have been her standard practice to ensure the door to the house was secure before leaving the location.

7. Named Employee #2 (NE#2)

On March 5, 2024, OPA interviewed NE#2, a GIU detective. NE#2 said she searched the Complainant’s bedroom for documents, not money. NE#2 said NE#3 found cash and counted it in thousand-dollar stacks. NE#2 admitted she documented this in the search warrant inventory and returned the \$6,000 that was seized. NE#2 thought the cash was seized but failed to confirm that fact. NE#2 denied knowing what happened to the money. NE#2 denied seeing \$17,000 and said she saw only \$6,000. NE#2 said she did not document the search warrant execution because NE#1, the primary detective, did not ask her to write a report. NE#2 denied taking the cash.

NE#2 recalled finding the camera in the Complainant’s bedroom. NE#2 stated she covered it at NE#3’s request because “we didn’t know if there were outstanding suspects or if anybody was watching us coming back to the house.”

8. Named Employee #3 (NE#3)

On February 27, 2024, OPA interviewed NE#3. NE#3 thought the cash he found was associated with the finance crime under investigation but was unsure whether it should be seized as evidence. NE#3 said he counted six stacks of \$1,000 each. NE#3 recalled either NE#2 saw him count the cash or he saw NE#2 count it. NE#3 said the cash was placed in a brown paper bag for NE#1’s review. NE#3 said NE#1, or someone acting under NE#1’s authority, determined the cash did not need to be seized, so NE#3 claimed he returned it to the general area where he

found it. NE#3 insisted he left the money at the Complainant's house. NE#3 denied finding \$17,000, saying he would have counted and photographed it like he did with the \$6,000. NE#3 said he directed NE#2 to cover the camera in the Complainant's bedroom because he did not "think they're entitled to overview us while we're doing our active investigation." NE#3 denied knowledge about \$6,000 being documented on the search warrant inventory and return. NE#3 denied involvement in processing evidence.

Analysis and Conclusions:

Named Employee #1 – Allegation #1

7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence

The Complainant alleged that the named employees failed to secure collected evidence.

SPD Policy requires employees to "secure collected evidence." SPD Policy 7.010-POL-1. Employees will place evidence into the Evidence Unit or an authorized evidence storage area before they end their shift. *Id.* Employees will not keep collected evidence for personal use. *Id.* Employees will not disclose information about collected evidence outside of the criminal justice system without approval. *Id.*

Here, the record suggests that the named employees did not "collect money as evidence," so this policy is inapplicable. NE#1 appeared largely uninvolved in SPD's search at the Complainant's house, as NE#1 said she searched a different location. NE#1 arrived at the Complainant's house after officers searched it. NE#2 and NE#3 counted \$6,000 in the Complainant's bedroom, but NE#3 insisted he returned it where he found it when NE#1 determined that the cash did not need to be seized. WE#1 thought the cash was not collected as evidence because he believed he would have taken more detailed photographs had it been seized. The record also suggests NE#1 processed electronic devices and documents at the East Precinct, not money. NE#1 denied packaging the Complainant's cash. Police reports did not indicate any cash was seized, and the Evidence, Fiscal, and Civil Forfeiture Units found no record of the Complainant's cash. Although OPA finds that the disposition of this money was not documented in an accurate or complete manner— see Named Employee #1, Allegation #2, below—the record suggests that the named employees neither collected the Complainant's cash nor entered it into evidence.

Because this policy is inapplicable to items that are not collected as evidence, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #2

7.010 – Submitting Evidence, 7.010-POL-2. Employees Document Evidence Collection

The Complainant alleged that the named employees failed to document collected evidence.

Employees will document collected evidence on a report. SPD Policy 7.010-POL-2. Employees will create a barcode label for each individual item of evidence and attach the barcode label directly to the item or the item's packaging. *Id.*

As articulated in Named Employee #1 – Allegation #1, the record suggests that the named employees did not collect money as evidence, so they would not be required to document the \$6,000 found in the Complainant's bedroom under this policy. Ultimately, OPA finds that no officer accurately or completely documented the disposition of this valuable property. This is troubling. Also troubling is the lack of guidance provided by SPD Policy concerning the appropriate disposition of currency or valuable property that is found while executing a search warrant if that property is not "collected as evidence." These concerns are addressed through a Management Action issued in relation to SPD Policy 7.010-POL-7 below.

NE#1's police report documented that all evidence associated with her investigation may be released to the Complainant, while NE#2 and NE#3 did not write police reports. NE#1's police report did not reference any cash. Although two notations indicated that officers seized \$6,000, those notations appeared to be mistakes. First, NE#1 admitted she was mistaken when she labeled a photograph depicting six stacks of \$100 bills as "money seized." NE#1 applied this mistaken label in January 2024, after the complaint in this case was filed, and over a year after the search warrant was executed. NE#1 insisted no money was "seized" and that she should have labeled the photograph "money found." Second, NE#2 admitted she documented in the search warrant inventory and return that \$6,000 was seized without verifying that information. NE#2's documentation appeared to be based on her mistaken belief that someone seized that cash, given her scant knowledge about it. The named employees were not required to document items they did not collect.

Because OPA finds the named employees did not "collect money as evidence," this policy is inapplicable. Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #3

7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence

It was alleged that the named employees failed to submit property collected for community caretaking as evidence.

Officers collecting property, where the owner is known and the item collected is not evidence, may submit the property as evidence with a completed Property Release Supplement. SPD Policy 7.010-POL-7.

For the same reasons at Named Employee #1 – Allegation #1, OPA finds the named employees did not collect the Complainant's cash. NE#1 said she saw no need to seize the cash since it was located at the Complainant's house. NE#1 said she only seized live animals, like a goat or dog, in prior search warrant executions for community caretaking purposes. NE#3 also expressed that the cash should remain at the Complainant's house. Overall, no evidence suggested that any

named employee collected the Complainant's cash for community caretaking purposes. Even if any officer had collected the money for safekeeping, this policy is permissive, not mandatory, as it only guides that officers "may" submit such property as evidence.

This case raised several concerns related to the lack of guidance provided to SPD officers concerning valuable property that is found during a search warrant but not collected. Although the practices employed by the named employees in this case do not appear to have specifically violated policy, in the absence of appropriate policy guidance. OPA issues a Management Action Recommendation to revise policy to provide guidance for how valuable property found during a search warrant should be documented and in what circumstances it must be collected for safekeeping. These revisions should require all officers to complete a statement after assisting with executing a search warrant. The Department may also consider requiring plain clothes officers executing search warrants to wear body-worn video to document their searches.

Accordingly, OPA recommends this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained - Management Action**

Named Employee #1 – Allegation #4

7.080 – Money Evidence, 7.080-POL-1. Two Sworn Employees Will Document Currency Being Submitted (Effective October 1, 2020)

It was alleged that the named employees improperly documented currency being submitted.

Two employees will be present to count and verify the amount of currency being submitted. SPD Policy 7.080-POL-1. Employees equipped with BWV will record the handling and counting of currency with BWV up to the point it is sealed in a currency envelope or air-dry bag. *Id.*

As articulated in Named Employee #1 – Allegation #1, the record suggests that the named employees did not collect or submit currency as evidence. Even if OPA assumed that the named employees submitted currency as evidence, there was no policy violation. First, NE#1 was uninvolved in the search warrant execution at the Complainant's house and, therefore, was not present when NE#2 and NE#3 counted the Complainant's cash. Second, NE#2 and NE#3 indicated that after NE#3 found the cash, either NE#2 or NE#3 counted it while the other observed the counting. Both were present when one counted and verified the amount of cash found.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #5

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

The Complainant alleged that NE#1 mishandled or stole the cash found in the Complainant's bedroom.

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

As articulated in Named Employee #1 – Allegation #1, the record reflects NE#1 was not present when NE#2 and NE#3 counted the \$6,000 found in the Complainant’s bedroom. Additionally, no evidence suggested NE#1 personally handled the cash or directed officers to seize it.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 – Allegation #1

7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 – Allegation #2

7.010 – Submitting Evidence, 7.010-POL-2. Employees Document Evidence Collection

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 – Allegation #3

7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence

For the same reasons at Named Employee #1 – Allegation #3, OPA recommends this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained - Management Action**

Named Employee #2 – Allegation #4

7.080 – Money Evidence, 7.080-POL-1. Two Sworn Employees Will Document Currency Being Submitted (Effective October 1, 2020)

For the reasons at Named Employee #1 – Allegation #4, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 – Allegation #5

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

The Complainant alleged that NE#2 mishandled or stole the cash found in the Complainant's bedroom.

Here, the record suggests the extent of NE#2's involvement in handling the Complainant's cash was either counting it or seeing NE#3 count it. There is insufficient evidence suggesting NE#2 mishandled the cash, given that NE#3 was— by his own admission—the last person to handle it when he returned it to the Complainant's bedroom.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 – Allegation #1

7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 – Allegation #2

7.010 – Submitting Evidence, 7.010-POL-2. Employees Document Evidence Collection

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 – Allegation #3

7.010 – Submitting Evidence, 7.010-POL-7. Officers Submit Property Collected for Community Caretaking as Evidence

For the same reasons at Named Employee #1 – Allegation #3, OPA recommends this allegation be Not Sustained – Management Action.

Recommended Finding: **Not Sustained - Management Action**

Named Employee #3 – Allegation #4

7.080 – Money Evidence, 7.080-POL-1. Two Sworn Employees Will Document Currency Being Submitted (Effective October 1, 2020)

For the reasons at Named Employee #1 – Allegation #4, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #3 – Allegation #5

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

The Complainant alleged that NE#3 mishandled or stole the cash found in the Complainant's bedroom.

Here, the record reflects NE#3 found \$6,000 in the Complainant's bedroom. NE#2 and NE#3 then counted the money, and WE#1 photographed it. Witness and named employee statements indicated that the cash was not seized, as money was not being sought as evidence by the search warrant. NE#2 and NE#3 did not wear body-worn video as they searched the Complainant's bedroom, nor did the Complainant's video in the bedroom capture the search since NE#2 covered it with a hat. NE#3 said he placed the cash in a brown paper bag for NE#1's review, then returned it to the general area where he found it after NE#1 determined that the cash did not need to be seized. NE#3 insisted he left the money at the Complainant's house. Aside from two apparently mistaken notations, NE#3's statement appeared consistent with the absence of documented cash evidence. The Evidence, Fiscal, and Civil Forfeiture Units had no record of the Complainant's cash. NE#1 also denied processing the Complainant's cash as evidence. WE#1 also stated he would have taken more detailed photographs of the cash had it been seized as evidence.

OPA could not exclude the distinct possibility that someone known to the Complainant took the cash. By the Complainant's own admission, two roommates had access to his house while he was jailed. Additionally, jailhouse calls recorded CM#1 saying several roommates had access to the Complainant's house. CM#1 even mentioned that someone collected items from the Complainant's house during this time.

Finally, no evidence corroborated the Complainant's assertion that he also had \$17,000 in the Wells Fargo bag. NE#2 and NE#3 denied seeing \$17,000, and NE#3 said he would have counted and photographed it like he did with the \$6,000. Moreover, when discussing the search with CM#1 in a recorded jail phone call, the Complainant only referenced having \$6,400 in a money bag—if the Complainant also had an additional \$17,000 in cash in the same bag, more likely than not, he would have mentioned it during this conversation.

Based on the evidence provided, in review of the totality of the circumstances, the record lacks conclusive evidence to determine the location of the Complainant's \$6,000.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**