
Issued Date: JULY 24, 2024

From: Director Gino Betts, Jr. 
Office of Police Accountability

Case Number: 2024OPA-0067

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.100 - Operations Bureau Individual Responsibilities II. Duty Officer A. 5.
Finding: Not Sustained - Unfounded

Named Employee #2

1. **Allegation #1:** 5.100 - Operations Bureau Individual Responsibilities II. Duty Officer A. 5.
Finding: Allegation Removed

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:

It was alleged that Named Employee #1 (NE#1)—the North Precinct captain—and an unknown employee failed to ensure interdepartmental mail was delivered to the SPD Data Center as required by policy.

Administrative Note:

On June 25, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

The Complainant—an SPD police officer—filed an OPA complaint alleging that SPD's Data Center, responsible for preparing DUI packets for prosecution, lost his submissions. Specifically, the Complainant referenced a submission (Case #1) involving a juvenile drunk driver who caused a collision. He wrote that his paperwork for that case was forwarded to the Data Center via interdepartmental mail. However, he was later told the packet was missing, requiring him to recreate and resubmit the DUI packet. The Complainant also reported that portions of two other cases (Case #2 and Case #3) were missing. Cases #1-#3 were sent to the Data Center from the North Precinct.

OPA opened an investigation, reviewing the complaint and DUI and mail delivery logs. OPA also corresponded with the Complainant and two Data Center employees. Finally, OPA interviewed NE#1. OPA's investigation showed the following:

The Complainant completed a DUI packet for Case #1 on January 27, 2024, which he gave Officer #1. Officer #1 attached the DUI packet to their Police Traffic Collision Report (PTCR) and submitted it to the Data Center via interdepartmental mail. The North Precinct's interdepartmental mail delivery was scheduled for January 28, 29, 30, 31, and February 3, 2024. These dates were a Sunday, Monday, Tuesday, Wednesday, and Saturday. On February 2, 2024, SPD's Legal Section told the Complainant that his DUI packet was missing, requiring him to recreate and resubmit Case #1. The Data Center received the Complainant's recreated paperwork on February 3, 2024. Records showed that the Data Center received the initial Case #1 submission on February 13, 2024. Both versions of Case #1 were sent to the Law Department for prosecution.

The Complainant completed Case #2 on January 4, 2024, which the Data Center received on January 5th. The Complainant received an email on January 6th stating that Case #2 was missing a page. The Complainant recreated and submitted that page on January 6th. The Data Center received it on January 8th and uploaded Case #2 to SPD's records management software, Mark43, the same day.

The Complainant submitted Case #3 on or about February 13, 2024. On February 14th, the Complainant was notified of a missing report in Case #3. The Complainant recreated and re-submitted the report, which the Data Center received on February 15th.

In email correspondence, the Complainant suggested that paperwork for DUI cases was "frequently" lost, but since the department transitioned from doing everything on paper, it "hasn't occurred very often." The Complainant also said he "binder clipped" his submissions before sending them via interdepartmental mail.

Since the reported incidents occurred at the North Precinct, OPA identified NE#1—the North Precinct captain—as the named employee. OPA interviewed NE#1 on May 15, 2024. NE#1 explained that policy required precincts to do a "mail run" at least daily, but she noted the other precincts had similar issues conducting mail runs. The Data Center's manager agreed with NE#1's assessment that other precincts experienced interdepartmental mailing issues and noted that complaints about "lost" paperwork were often caused by precincts failing to do mail runs. NE#1 explained there was no longer a "wagon" to perform that function, so the responsibility fell on understaffed officers. NE#1 stated that the "wagon" used to do mail runs once per shift, which was unnecessary, so they reduced it to daily mail runs. NE#1 said the desk clerk was responsible for ensuring the mail run was conducted, but the responsibility sometimes fell on sergeants due to understaffing. NE#1 denied violating policy, noting she was unaware of an issue with the mail and assumed it was being done. NE#1 said she had given more attention to the mail after learning about the potential problem.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

5.100 - Operations Bureau Individual Responsibilities II. Duty Officer A. 5.

It was alleged that NE#1 failed to ensure interdepartmental mail was delivered according to policy.

The duty officer must ensure “daily mail deliveries to the Public Safety Data Distribution Center.” SPD Policy 5.100(II)(A)(5). These deliveries include mail, subpoenas, reports, and citations. See *id.* The precinct captain is responsible for the precinct's overall management and performance. See SPD Policy 5.100(A)(1).

While ultimately responsible for precinct operations, no evidence suggests that NE#1 knew there was an issue with her precinct's mailing performance. Under SPD policy, the “duty officer,” a position frequently unfilled at the precinct, is responsible for ensuring that mail is delivered. Therefore, the precinct captain would be responsible for failing to correct a known problem with mail delivery. NE#1 told OPA that she had given it more attention since learning about the issue. Moreover, while mail logs showed that the precinct missed some mail runs, it was done most days. Finally, the Complainant's mailing issues may be attributable to intermediary officers not submitting DUI packets immediately or the Complainant using “binder clips” to send paperwork via interdepartmental mail.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 - Allegation #1

5.100 - Operations Bureau Individual Responsibilities II. Duty Officer A. 5.

It was alleged that NE#2—an unknown employee—failed to ensure that interdepartmental mail was delivered according to policy.

OPA classified an allegation against an unknown employee until whether an identifiable SPD employee violated policy was determined. That allegation has now been removed.

Recommended Finding: **Allegation Removed**