



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 18, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0345

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded (Expedited)
# 2	15.180 – Primary Investigations, 15.180-POL-1. Officers 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 was arrested for attempting to elude the police, and his vehicle was impounded following a collision with another vehicle. The Complainant alleged that Named Employee #1 (NE#1), an unknown officer, stole \$12,000 from within his vehicle and improperly handled his vehicle.

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 employee. As such, OPA did not interview the named employee in this case.

On September 26, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated the OPA complaint by reviewing the computer-aided dispatch (CAD) call report, incident and supplement reports, tow/impound and inventory record, investigative hold tracking form, notice of police hold status – investigation release, in-car video (ICV), body-worn video (BWV), and photographs. The Complainant did not respond to OPA's request for an interview.

On January 19, 2023, at 12:32 AM, a motor vehicle collision investigation, including injuries and a hit and run, was coded into CAD. ICV and BWV captured Witness Officer #1 (WO#1) as he initiated a traffic stop on the Complainant, who subsequently fled and collided into another vehicle. WO#1, the first responding officer, handcuffed the Complainant. The Complainant consented to WO#1's retrieval of his wallet from the vehicle. WO#1 transferred it to another officer, who secured it in a brown paper bag. Witness Officer #2 (WO#2) then conducted an inventory search of the Complainant's vehicle. WO#2 searched the entire vehicle but did not retrieve any property or money. WO#2's



BWV did not show any money during the search. Upon completing the search, WO#2 told another officer that the Complainant's vehicle contained clothing and two backpacks.

WO#1's incident report stated that the Complainant was arrested based on probable cause for attempting to elude a police vehicle. It also stated that the Complainant's vehicle was inoperable and impounded by Lincoln Towing. The tow/impound and inventory record stated that two backpacks and power tools were inside the Complainant's vehicle. A detective's supplement report stated that a search warrant was executed on the Complainant's vehicle at Lincoln Towing on January 25, 2023. This report stated that all doors of the vehicle were open and the Complainant's belongings, including the two backpacks and power tools, were missing. The detective noted that due to significant security issues at Lincoln Towing, he was unable to locate any potential evidence inside the Complainant's vehicle.

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 NE#1 stole \$12,000 from within his vehicle.

Employees must adhere to laws, city policy, and department policy. SPD Policy 5.001-POL-2.

OPA found no evidence supporting the claim that an officer stole \$12,000 from the Complainant's vehicle. There was no money visible within the vehicle, nor was any property seen being taken from it. The Complainant had the option to ask the officers to retrieve his money, akin to what WO#1 did with his wallet. Even if OPA were to consider the possibility that the money was inside one of the backpacks, both backpacks appeared to have been stolen from the Lincoln Towing tow yard, which was beyond SPD's control.

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. Officers Shall Conduct a Thorough and Complete Search for Evidence

The Complainant alleged that NE#1 improperly handled his vehicle.

In primary investigations, officers must conduct a thorough and complete search for evidence. SPD Policy 15.180-POL-1. Sworn personnel must know how to collect the most common physical evidence that might be encountered in a primary investigation. *Id.* Only evidence impractical to collect or submit to the Evidence Unit shall be retained by the owner. *Id.* Officers shall photograph all evidence retained by the owner. *Id.*

All officers processed the Complainant's vehicle consistent with policy and ensured proper documentation. During the inventory search, officers refrained from opening closed containers, including backpacks, and accurately documented their observations in the tow/impound and inventory record. Long investigative holds did not constitute a policy violation. Overall, OPA found no evidence indicating any mishandling or inadequate documentation of evidence.



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

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