




CLOSED CASE SUMMARY

ISSUED DATE: JULY 26, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0044

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 14. Retaliation is Prohibited	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 14. Retaliation is Prohibited	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 contacted Named Employee #1 (NE#1) and Named Employee #2 (NE#2) as they investigated a parking infraction. The Complainant said he purchased the parked car from Community Member #1 (CM#1) but was still registered to CM#1. The Complainant alleged that the Named Employees told him that CM#1 had a warrant for his arrest and asked the Complainant to call CM#1 to their location. The Complainant alleged that the Named Employees towed his car in retaliation when he refused.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General’s agreement, believed it could reach and issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

OIG also certified OPA’s investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

A. OPA Complaint & Interview of Complainant

On January 24, 2023, the Complainant contacted OPA alleging that the Named Employees were “vindictive” after he refused to identify himself or provide information about CM#1. The Complainant said that the Named Employees towed his vehicle containing his work gear, causing him to get fired.



OPA interviewed the Complainant, who said the Named Employees questioned him about CM#1—the car’s registered owner. The Complainant alleged that NE#1 said CM#1 had a probation violation warrant and asked about CM#1’s whereabouts. The Complainant told the officers that he made installment payments to CM#1 for the vehicle, but it was still in CM#1’s name. The Complainant further alleged that NE#1 towed the car after the Complainant declined to help locate CM#1.

B. Computer-Aided Dispatch (CAD) & Department of Licensing (DOL) Data

OPA reviewed the related CAD report and DOL information. The call was logged at 12:31 AM as a “Suspicious Stop – Officer Initiated [On view].” On view refers to an officer’s firsthand observation of a potential crime. NE#1 and NE#2 were partnered as a single unit at 12:34 AM. They ran a database check for CM#1 and learned he had an SPD felony warrant.

DOL information concerning the subject vehicle showed it was sold to CM#1 about a year prior.

C. Body-Worn Video (BWV)

OPA review NE#1 and NE#2’s BWV, showing in the relevant part:

While on patrol, the Named Employees ran license plates of suspiciously parked vehicles, some they suspected were stolen. The Named Employees approached the subject vehicle, parked in an accessible parking space without a placard. NE#2 ran the vehicle’s license plate, showing CM#1 was the registered owner and had a felony warrant. NE#1 conferred with a backing officer and said he intended to write a parking ticket and tow the car.

The Complainant approached the Named Employees, saying he was buying the vehicle from CM#1, who departed on a bicycle. NE#1 questioned the Complainant about CM#1’s whereabouts and asked the Complainant to call CM#1 back to the vehicle. The Complainant did not provide his name or information about CM#1 to NE#1. Toward the end of their conversation, the Complainant asked NE#1 if he was towing the subject vehicle because the Complainant did not cooperate with NE#1’s investigation. The Complainant also asked to retrieve his belongings from the car. NE#1 refused since the Complainant was not the registered owner and said the vehicle would be towed for illegal parking. The Complainant requested that officers not tow the car, then walked away. A tow truck later arrived and towed the vehicle.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 14. Retaliation is Prohibited

The Complainant alleged that NE#1 towed his vehicle in retaliation for his refusal to cooperate with NE#1’s investigation.



SPD employees are prohibited from engaging in retaliation. SPD Policy 5.001-POL-14. Specifically, employees are prohibited from retaliating against a person engaging in activities including, but not limited to, “oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy” or “who otherwise engages in lawful behavior.” *Id.* Retaliatory acts include “discouragement, intimidation, coercion, or adverse action against any person. *Id.*”

Here, NE#1 observed an illegally parked vehicle registered to CM#1, not the Complainant. Before the Complainant’s arrival, NE#1 verbalized his intent to ticket and tow the car. The Complainant later approached NE#1, claiming ownership. NE#1 attempted to lure CM#1 back to the car, but the Complainant refused to cooperate and left. After the Complainant left, NE#1 resumed processing the car for towing, a course of action determined before his contact with the Complainant.

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 14. Retaliation is Prohibited

The Complainant alleged that NE#2 towed his vehicle in retaliation for his refusal to cooperate. However, BWV showed that NE#2 had no meaningful conversation with the Complainant, nor did NE#2 decide to tow the vehicle. Instead, NE#2 merely assisted NE#1 by writing a parking ticket for the car.

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

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