

POLICE CONDUCT COMPLAINT FORM

CITY OF MINNEAPOLIS
 OFFICE OF POLICE CONDUCT REVIEW
 350 S. 5TH ST. ROOM 239, MINNEAPOLIS, MN 55415
 612-673-5500

Monday through Friday, 8:30 a.m. - 4:30 p.m.

The completion of this form is the first step in the complaint process. This form needs to be filled out completely and accurately; attach additional pages if necessary. Sign and date the bottom, and return the form to the address at the top of this form. For more information, visit www.minneapolismn.gov/civilrights/policereview.

Select Investigator Preference: You may indicate a preference as to whether a civilian or sworn officer investigates your complaint. This will be taken into consideration by managers but does not guarantee that your preference will be accommodated.

Civilian Investigator Police Investigator No Preference

Name (Last, First, Middle)		Date of Birth	Phone
McCULLOUGH Robert James		5-12-58	651-335-3525
Home Address Street	City/State	Zip	Email Address
435 University ave E	55 Paul	55130	

Please indicate your race(s):

Asian African White Latino Other
 Pacific Islander Black Native American Middle Eastern Refused

I AM ALLEGING:

Excessive Force Inappropriate Language or Attitude Discrimination Theft
 Harassment Failure to Provide Protection Retaliation Other

Officer Badge Number(s)	Officer Name(s)	Squad Number
006551	Jarrod Silva	183

13.43 - Personnel Data

Case Number on Blue Card	Incident Location/Address	Incident Date & Time
Witness Name(s)	Address	Phone Number
Dan Romig	3717 35 th ave S	612-275-1007
Jim Han	do not know	612-991-6667

Narrative - Please describe the incident in detail; use back page if necessary.

On 4-9-14 while buying and selling twins tickets at the S.E. corner of 5th St 1st ave no a little before 11:00 AM, I got into a verbal confrontation with another individual in order to defuse the situation I proceeded to walk south on 1st ave no, when I arrived at 8th St I approached another ticket broker and asked him what he had to sell, Dan Romig the other ticket broker and I agreed to deal of 1000 for 4 sec 110 lower level tickets, as I was paying Dan the money I was apprehended by to undercover

Complainant Signature	Date & Time
R. J. McCullough	5-8-14 1:50 PM

This form is available in alternative format - Please contact ADA staff, Human Resources Department 612-673-2694. Deaf/Hard of Hearing people can call 612-673-2626 TTY for more information or to make an appointment with a certified sign language interpreter to help fill out this form.

Case Number: MP-14-113711

Revised 6/2013

POLICE CONDUCT COMPLAINT FORM

Police officers, Dan and the police officers worked out a deal for him to get the tickets back in exchange for my money. The next day I pleaded not guilty, and was released on my own recognizance. I was shocked to see the check I was given upon release was only three dollars and some odd cents. I immediately went to the police property room and was told that nothing had been turned in yet. I waited till ~~Monday~~ Monday the 14th and went back to the property room, but their staff was not there and told me to check the 1st precinct. I checked with the officer at the desk and he could find nothing and told me to use a phone that was on a desk in the front of the office and dial a fact sheet number. I called the number twice left two messages with my phone number but I never received a return call. I was very upset at this point and went to internal affairs where I was given a complaint form and went over the police report the officer that I requested a copy of the police report and he explained he could not give me a copy but I could go to the City Attorney's Office and get a copy. I requested a copy on the 14th of APRIL and just got it today the 8th of MAY. I guess there was some sort of mix up. In the police report there is no mention of the transaction of tickets and money. There are several witnesses for the arrest and how it went down when I was doing a ticket deal with Dan Romig.

P.S.
I have several theories
to why this happens
I had just over 1000 dollars
Give or take a few at time of arrest

Case Number:

Revised 6/2013

Wednesday, 16 April 2014

Events of Wednesday, 9 April 2014 at 11:10 am at 6th St N & 1st Ave N

My name is Daniel Robert Romig, born 24 August 1962. My address is 3717 35th Ave S, Minneapolis MN 55406. Cell phone number is 612.275.1007

I am a ticket broker, and I was standing on the sidewalk on the east side of the corner of 6th St N and 1st Ave N trying to sell my clients' Minnesota Twins tickets to the 12:10 pm game against the Oakland Athletics when I was approached by Bob McCullough. Bob walked to me from the corner of 5th St N and 1st Ave N along the sidewalk on the southeast side of 1st Ave N.

When we met, he asked me what tickets I had for sale. I informed him I had 4 tickets in section 110 for \$30 each. He countered with a \$20 dollar each offer, which I declined. Bob then increased his offer to \$25 each and I accepted. I handed my tickets to him, and he paid me \$85. As he was attempting to pay me the remaining \$15, two police officers in 'plain clothes' emerged from the east of us and positioned themselves behind Bob's back.

I saw that these men had their badges visible, and were police officers. They restrained Bob's hands and handcuffed him. I had the \$85 dollars paid by Bob still in hand, and one of the officers now had the 4 tickets that I'd given to Bob and the money Bob was assembling to balance out the \$100 transaction in his hands. It appeared to be two five dollar bills and six to eight one dollar bills.

"Does he owe you any more money?" the officer on the east side asked me.

"Well, he was buying these tickets for one hundred dollars, and has paid me eighty-five." I answered showing the cash I was holding. As the officer was going through the remaining cash he'd taken from Bob, I added, "It's up to you sir. I'd just as soon return the eighty-five dollars, and get my tickets back. We're both ticket brokers."

The officer nodded, and we exchanged the cash paid to me by Bob for the tickets, and the tickets now were in my hands again. Within a few moments Bob was being led to a squad car in handcuffs, and the officer now had in his possession just over one hundred dollars that was in Bob's possession minutes prior to this time.

"Thank you sir, I'm Dan Romig, Dan the TicketMan." I stated to identify myself and thank the officer for letting me return money to Bob and have my tickets back to sell. The officer with the cash looked me in the eye, acknowledged me for a moment and departed.

MR

MR

**Office of Police Conduct Review
Investigative Report**

Complaint Number 14-10235
Investigator Sgt. Jason Walters
Officer Officer Jarrod Silva
Jurisdiction **M.C. O. §§ 172.20**
Date of Incident 04/09/2014
Complaint Filed 05/08/2014

CASE OVERVIEW

Robert McCullough was arrested on 04/09/2014 at 1st Ave N and 6th St N in Minneapolis for misdemeanor Disorderly Conduct. He was booked into the Hennepin County Adult Detention Center. When he was released from custody the following day, he attempted to retrieve his cash from the Minneapolis Police Department Property and Evidence Unit but learned that no cash was inventoried. McCullough alleges that he went back to the Property and Evidence Unit four days later only to learn that his cash was still not inventoried. McCullough alleges that he then went to the First Precinct to inquire and make phone calls to find his cash. This cash, in the amount of \$97.00, was inventoried as non-evidence by Officer Jarrod Silva on 4/15/2014, six days after Robert McCullough's arrest. McCullough filed a complaint with the Officer of Police Conduct Review alleging theft; this complaint was signed by Robert McCullough on 05/08/2014. Robert McCullough later received a notification letter from the Minneapolis Police Department Property and Evidence Unit dated 05/08/2014. Robert McCullough retrieved his cash from the Property and Evidence Unit on 05/19/2014.

SUMMARY OF ALLEGATIONS

Allegation: Improper handling of property

1. **Responsibility for inventory of property and evidence:** It is alleged that Officer Silva of the First Precinct CRT Unit failed to property inventory Robert McCullough's \$97.00 cash until six days after arresting him for Disorderly Conduct.

EVIDENCE

1. Statements

- a) Complainant – Robert McCullough
- b) Witness – Daniel Romig
- c) Officer [REDACTED]
- d) Officer 13.43 - Personnel Data
- e) Officer [REDACTED]
- f) Officer Jarrod Silva (Badge #6551)
- g) Officer 13.43 - Personnel Data

2. Records

- a) CAPRS CCN 14-113711 – arrest of Robert McCullough
- b) Minneapolis Police Department Property Inventory records
- c) Robert McCullough booking photograph and booking sheet
- d) Hennepin County Jail check
- e) VisiNet Report 14-113711
- f) Workforce Director records
- g) First Precinct CRT Officers' photographs from Workforce Director
- h) Envelope with Post Mark of 05/08/2014 from Robert McCullough
- i) Phone records

3. Video / Photographic Evidence

- a) Hennepin County Jail Sallyport Video

CASE INVESTIGATION

This investigator was assigned this case on 07/08/2014.

CAPRS Reports

The Minneapolis Police Department Records Management System (RMS), called CAPRS, was checked for documentation of the alleged incident. CCN #14-113711 was found. This report documented the arrest of Robert McCullough on 04/09/2014 at 1125 hours for the charge of Disorderly Conduct. The reporting officer on this report is Jarrod Silva, and the assisting officer is Matthew Kipke. On the arrest screen, there are five arresting officers listed: Officer Stephane Courtois, Officer Efreem Hamilton, Officer Matthew Kipke, Officer Chao Lee, and Officer Jarrod Silva. There was only one supplement to this report, and it was written by Officer Silva on 04/09/2014 at 1231 hours. No cash is mentioned in this supplement. This

report also documents that Robert McCullough was booked into the Hennepin County Jail to prevent further criminal conduct.

Listed in the Property and Evidence section of this CAPRS report was cash totaling \$97 and listed as belonging to Robert McCullough.

Property and Evidence Unit Records

This investigator went to the Minneapolis Police Department Property and Evidence Unit to determine the specifics surrounding the \$97.00 cash that had been inventoried. Kerstin Hammarberg, the Property and Evidence Unit Supervisor, supplied a Minneapolis Police Department Property Inventory Sheet documenting the following facts:

- \$97.00 cash was property inventoried by Officer Jarrod Silva on 04/15/2014 at 1700 hours.
- This cash was property inventoried as non-evidence.
- This cash was property inventoried under CCN 14-113711, the same case number documenting Robert McCullough's arrest for Disorderly Conduct.
- The denomination of bills was three \$20 bills, one \$10 bill, three \$5 bills, and twelve \$1 bills.
- The owner of this cash is listed as A1/Robert McCullough.
- A notice was sent to Robert McCullough regarding this cash on 5/8/14.
- Robert McCullough retrieved this cash from the Property and Evidence Unit on 05/19/2014.

Hennepin County Jail

This investigator contacted the Hennepin County Jail (HCJ) to obtain records on the detention of Robert McCullough following his arrest on 04/09/2014. The Inmate Booking Sheet states that McCullough was received at HCJ on 04/09/2014 at 1213 hours. This would be 48 minutes after the listed arrest time in the CAPRS report. The Inmate Booking Sheet also shows that the arresting officers are Silva and Lee, and that Officer Kingdon was the transporting officer. McCullough's booking photographs from were also printed from HennRAP and will be included in this case file.

This investigator contacted the Hennepin County Jail regarding the check that Robert McCullough received upon being released from their custody on 04/10/2014. This investigator received a copy of this check. The check was dated 04/10/2014, and it was written in the amount of \$3.37.

Video Evidence

This investigator also obtained video footage from HCJ of the Sallyport. This video disc will be included in this case file. Video shows Officer Kingdon booking Robert McCullough into HCJ.

VisiNet Report

VisiNet Report #14-113711 shows that Squad 183 was out at 6th St N and 1st Ave N on 04/09/2014 at 1136 hours. They cleared with a booking at 1136 hours.

Workforce Director Records

Workforce Director Records show that Officers Silva, Lee, Kipke, Hamilton, and Courtois are all assigned to the First Precinct CRT Unit. They were all working their regular shift from 0900 – 1900 hours on 04/09/2014. These records also show that Officer Silva worked his regularly scheduled shift on April 9th, 10th, 11th, 12th, and 15th of 2014.

Workforce Director photographs of these five arresting officers were printed to be used during interviews with Robert McCullough and Daniel Romig.

First Precinct Phones and Voicemail

Robert McCullough stated in his OPCR complaint that he had gone to the First Precinct to check for his money. This was at the suggestion of Minneapolis Police Department Property and Evidence Unit personnel on 04/14/2014. While at the First Precinct, Robert McCullough was given a four digit number to call from the lobby phone. Robert McCullough claims that he called the four digit number twice and left a message each time. He also stated that the voicemail greeting had a woman's voice.

This investigator called the First Precinct CRT office at 673-2880 on 04/22/2015. The call went to voicemail which has the default woman's voice greeting that guides you through the voicemail system.

This investigator requested a phone log for all calls into 673-2880 from 04/10/2014 to 05/09/2014. In searching the results for two incoming internal calls within close proximity to each other on the same date, only one instance was found. On 04/22/2014, two calls were placed from x2655 to x2880; the first call was at 1038 hours and the second call was at 1109 hours. Extension 2655 is the First Precinct front desk.

This investigator also called the First Precinct front desk and learned that the lobby phone had been removed within the last year. This investigator inquired with the Telecommunications and Network Services for the City of Minneapolis about this previous lobby phone. They provided records of x7446, which was labeled as DTC LOBBY. The call log showed that on 04/14/2014 there were two outgoing internal calls from this phone to x5901; the first call was at 1227 hours, and the second call was at 1229 hours. These two calls are consistent with Robert McCullough complaint statements.

This investigator called x5901 and found this extension to be a general voicemail access number where you are required to enter an extension for which you wish to leave a message. The greeting and guidance is the default woman's voice for the system. It was verified by Telecommunications and Network Services that this extension was the same back in April of 2014.

Complainant Robert McCullough Statement

Complainant Robert McCullough was interviewed in person in city hall on 08/07/2014.

In his formal statement, Robert McCullough stated the following:

- McCullough was buying and selling Twins tickets on the street on 04/09/2014.
- McCullough was making an exchange of cash for tickets with Daniel Romig, another ticket broker, when he was arrested by "undercover officers." The deal he was making with Romig was cancelled upon Romig's request; the tickets were returned to Romig, and the cash was returned to McCullough.
- Robert McCullough was booked into jail.
- He was released the next day. Upon his release, he was given a check for approximately \$3.00.
- He knew that he had possessed approximately \$100 upon his arrest, so he immediately went to the Minneapolis Police Department property room upon leaving jail.
- The Minneapolis Police Department property room stated that his money was not there. They instructed him to check back in a few days.
- He waited until the following Monday, 04/14/2014, and went back to the Minneapolis Police Department property room to check again. He was again told that there was no money there, and they did not have any records of the money. They suggested that McCullough go to the First Precinct.
- He went to the First Precinct and spoke with the "desk sergeant" who gave him a four digit number to call from the lobby phone.
- He called the phone number from the lobby phone, got voicemail, and left his information. He had not left all of his correct information, so he called the four digit number back and left another message on the voicemail. Robert McCullough did not recall the four digit number he had been given to dial, but he did state that there was a woman's voice on the greeting.
- After he did not receive a call back, he went to Internal Affairs. Robert McCullough later added that he had not received a phone call back as of the date of this interview, 08/07/2014.

- At Internal Affairs, Robert McCullough spoke with an unknown officer who looked up the police report and saw there was no mention of the money. There was nothing in the report indicating that money had been property inventoried.
- McCullough filed a complaint which he signed on 5/8/14.
- McCullough received a letter on 05/09/2014 from the Minneapolis Police Department property room. The envelope was post marked 05/08/2014. The letter stated that the property room had his money. Robert McCullough ultimately retrieved \$97.00 cash from the Minneapolis Police Department property room on 05/19/2014.
- Robert McCullough had no idea where the money had been between his arrest and its arrival at the property room on 4/15/2014.
- Robert McCullough stated, "I've had plenty of arrests. What-, the whole thing that boggled my mind was, you know, why wasn't-, why wasn't my money property at, at the jail. Um, why wasn't it-, you know, why did I have to wait till May 9th to get my money back. Like I said I, uh, there's no money in the ticket business anymore. It's all internet. We don't make much money. Um, and, you know, like I said before I, I rent a bed at the Union Gospel Mission for 46 dollars a week in, in a barrack-style place. OK. So, I don't have a lot of money. And that put a little hardship on. So, I was-, I was a little upset. And, uh, you know, back in the day when I had-, I would've just blown it off. But it seemed to me that, you know, just it, you know, and I'm not saying that, that that's, you know, I'm saying that's a possibility why they, you know, played games with my money. You know what I mean. It just, uh, it boggles..."
- Robert McCullough described the arresting officers as one Caucasian male and one Asian or Hispanic male. Because Officer Silva and Officer Kipke were the reporting and assisting officers on the arrest report, Robert McCullough was shown their pictures from Workforce Director. Robert McCullough believed that Officer Silva was one of the arresting officers, but he was not positive. When shown Officer Kipke's picture, he stated that it was a long time ago, and he thought that one of the officers was either Asian or Hispanic. (These two pictures initialed by Robert McCullough will be in the case file with this interview.)
- Robert McCullough stated that he had not been drinking on 04/09/2014.
- When asked if there was anything he'd like to add to his statement, Robert McCullough said, "Um, you know, like I said before it, it, you know, I, I, my financial position at the time of this, you know, if, if, I probably would probably never even brought it up, just them keep the 100 bucks. Cause I, I've, I've had, listen, I've had, I've dealt in New Orleans, I've traveled through San Diego to Boston. I've, I've never had a situation where I was robbed by the police in Minneapolis. OK. In other cities, if they rob you, they don't take you to jail. They just rob you. You know what I mean. But here at the time when I go to jail and all of a sudden my money is not around, I was a little upset and, uh, and, uh, like I said I've never had-, and I've taken corporal punishment, uh, but I probably deserved it at the time. I've might've-, I've might've, you know, uh, like I said I've had problem with alcohol and I've had plenty of arrests, and uh, but I've never filed a complaint with Internal Affairs. So, what-, my last statement is it boggles my mind is why once I, I started this process the day af-, or the day of release, and continued to follow the Monday, the 14th, and everything, and I didn't get a notice from Property Room until May 9th. Cause it was sent on May 8th and was delivered on May 9th. So, that's the whole deal there, sir."

Daniel Romig Statement

Daniel Romig had provided a written statement regarding this case, dated 04/16/2014, prior to this investigation. He was also interviewed in person in city hall on 08/11/2014. These two statements were consistent with each other. See the case file for his written statement. Below is a summary of his Internal Affairs interview.

During his Internal Affairs interview, Romig stated:

- He was selling Twins tickets on the street corner.
- He was working out a deal to sell Robert McCullough four tickets for \$100.
- As McCullough was in the process of paying Romig with cash, two plain clothes officers came up behind McCullough and placed McCullough under arrest. At this point, McCullough had only given \$85 of the \$100 purchase price to Romig.
- Romig then asked these arresting officers if it would be OK for him to return the \$85 dollars given to him by Mr. McCullough and get his tickets back. The officers agreed to it.
- The money that Romig was returning (\$85) was taken by the officer and the, the other monies that were on McCullough's person to try to balance out the \$100 transaction were taken as well. The tickets were given back to Romig.
- McCullough was then taken to a squad car and handcuffed.
- Romig believed that the \$85 Robert McCullough had handed him consisted of four \$20 bills and one 5 dollar bill, but he was not 100% sure.
- Of the remaining \$15 that Robert McCullough was about to pay Romig prior to his arrest, Romig believes it consisted of possibly one \$5 bill and six to eight \$1 bills or possibly two \$5 bills and many \$1 bills. In total, Romig estimated that officers recovered just over \$100 from Robert McCullough.
- When shown photographs of the five arresting officers listed on the CAPRS report, Romig identified Officer Kipke and Officer Lee as the two arresting officers.

First Precinct CRT Officer Interviews

Five officers of the Minneapolis Police Department First Precinct CRT Unit were listed as arresting officers on the CAPRS report documenting the arrest of Robert McCullough on 04/09/2014. These officers were all interviewed during this investigation.

13.43 - Personnel Data

13.43 - Personnel Data

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13.43 - Personnel Data

Officer Jarrod Silva Statement

Officer Jarrod Silva was interviewed at the Minneapolis Police Department Internal Affairs office on 10/8/2014. Also present was Minneapolis Police Federation representative Lt. Robert Kroll.

Officer Silva stated that he had arrested Robert McCullough on 04/09/2014. With him at the time of the arrest was Officer Lee. After the arrest, Officer Silva recovered an unknown amount of money from Robert McCullough. Officer Silva stated that Robert McCullough was then transported to the First Precinct Station by Officers Hamilton and Courtois. At the First Precinct Station, McCullough was run for warrants and booking forms were completed. Officer Silva stated that he had all of Robert McCullough's property. He put this property into an envelope, and Robert McCullough was then transported to jail.

Officer Silva was asked about Robert McCullough's property and cash:

Q: OK. You mentioned putting his property into a bag, Mr. McCullough's property. Um, was that you that put his property in the bag?

A: Yes, I would've. I handled his property.

Q: And, um, that property went with him to jail?

A: Um, yes, whatever, um, I guess if we sent stuff with him, yeah, I would've given it to him if it's like his ID or whatever.

Q: Could you please explain the circumstances around how Mr. McCullough's property ends up in a bag that accompanies him to jail, but yet his cash that we've talked about did not end up in that bag?

A: I just-, I know-, I guess just had it. It was an oversight. I don't know if I just-, I put into the cash envelope for it and, um, realized I didn't put it in there or I had locked in my desk prior, so it was safekeeping and inventory. I...

Q: OK.

A: I don't know.

Officer Silva also stated that he never gave Robert McCullough's cash to any other officer. He stated that no one else was ever in possession of this money. When asked if Officer Lee ever had possession of this cash, he stated, "No, I don't recall that he ever touched it."

Officer Silva stated that he wrote CAPRS report 14-113711. He stated that he probably put Officer Kipke's name as the assisting officer because he was with Officer Kipke when he first saw Robert McCullough. When asked why five officers were listed on the arrest screen, he stated that it has been common practice that everyone in the CRT Unit working that day is always put on the arrest screen. When asked why Officer Westlund wasn't listed on the arrest screen even though he was listed as working that day, he stated that he just hadn't seen Officer Westlund that day. He acknowledged that there was no mention of Robert McCullough's cash anywhere in the report and affirmed that he did not find the cash pertinent to the charges that he was applying to McCullough at that arrest.

Officer Silva was asked about other circumstances surrounding this cash and how it was handled:

Q: Were you keeping that money, uh, as evidence for any reason?

A: I don't recall needing to keep for it evidence. It was just, uh, safekeeping, so when he gets out, you know, it's there. It's-, there's no...

Q: So, when he gets out of jail?

A: Yeah. He can just go and he picks up and...

Q: Picks it up where?

A: At the Property & Evidence Room.

Q: But it didn't go to the Property & Evidence Room. You're talking about locking your-, the cash up in your desk for safekeeping, so-, but then in the next breath you say, so he can get it when he gets out of jail. There's a disconnect there. We're both seeing that, right?

A: Yeah. I don't-, I don't know if how I missed putting it up if it was supposed to go with him or what it was that day. I mean it's been-, uh, it's been quite a long time. I can't remember exactly what it was, but either I noticed that it was on my desk and I forgot to bring it to him at jail-, with him to go jail when he went, so, um, it needed to be inventoried. So, um, I would put it in a cash envelope, and, uh, if we got busy during that day, I don't remember exactly what we did. I'm sure I locked it in my desk and we have a secure locked door, so nobody-, um, so it can't be tampered with, so I just put it in there and I-, you know, it was an oversight. I forgot to make sure it was in that day.

Q: OK. I'm having trouble understanding why you would lock money in your desk and keep it separate from the rest of his belongings when you aren't keeping it for evidentiary value, but let's move on. Um, so, at what point-, you don't recall, you stated you don't recall, uh, what reminded you that hey this money belongs to Mr. McCullough it needs to be in the property room? Was it a phone call? Did somebody mention something?

A: I don't exactly remember. I would assume it was probably a phone call. I could've just opened it up and thought oh, my gosh, here it is, I forgot. Um, you know, it could've been that, you know,

when he was taken to jail that, you know, we forgot-, it could've been a mishap that all of his property wasn't together and that's why it was missed...

Q: OK.

A: um, to go down. I mean it wasn't kept intentionally.

Q: Do you recall where you found it exactly, uh,...

A: It's...

Q: when you first realized?

A: Uh, it was in my desk drawer. I have a certain drawer where, um, if I have anything needed to be safe keep that I know it's locked and secured that I have a spot on my desk that I can lock and secure things.

Q: And that's where you found it?

A: Yes. That's where it was.

Q: OK. Do you recall specifically if there was any phone calls that you heard of, somebody relayed a message to you like, hey, I checked the voicemail for the CRT Team office?

A: That, that very easily could've been. There was a message on my desk, and I thought of money, and I thought wait a minute, so that's where I would check if I had my safekeeping box or the spot and realized holy cow I forgot this and-,...

Q: OK.

A: so I would put it in right away.

Q: Officer Silva, did you ever intentionally not property inventory that money?

A: No.

Q: You're saying it was an oversight on your part?

A: It was very much oversight.

Q: OK. And ultimately, you did property inventory that money, correct?

A: I did.

Q: And is it, uh, would this be correct if I showed you this property inventory form dated, um, April 15, 2014, at 1700 hours, uh, it lists you as inventorying \$97 cash in various bills; is that true and accurate?

A: Yes.

Q: OK. And was this the exact money that you had taken from Robert McCullough or \$97 other dollars that added up to the same amount?

A: I don't remember the exact denominations.

Q: Right.

A: of what it was, but...

Q: This is...?

A: His money. Yes.

Q: This is his money?

A: Yes.

Q: OK. Did it ever occur to you to maybe throw a supplement in CAPRS saying, uh, oversight I overlooked property inventorying this money?

A: No.

Q: Something that would've very much helped keep this investigation from starting or originating?

A: Well, yeah, I-, no, I-, no, I, you know, I didn't. I should've, yeah.

Q: And once again, no one else was in possession of this money ever?

A: No, I had it.

Q: OK.

A: It's-, I don't know. I just wanted to make it clear that I mean it's-, if it was, I don't know why it was left and how it did, but there's-, it's a-, it's a fluid job. I don't know how can people's property and somebody else transported him-, it could've just-, it was forgotten or missed, but when I realized it I made sure that it was locked and secured, um, for it. So, um, you know, it wasn't done intentionally. It wasn't-, it was just an oversight. I don't know maybe-, there's a lot of things. It's a fluid job, and so, when I realized it I just made sure that it was secured, so I could get property inventoried and maybe got really busy that day, um.

Q: OK.

A: I-, it was just an oversight.

13.43 - Personnel Data

SUMMARY OF EVIDENCE

Based on a review of statements and evidence gathered during this investigation, the following occurred:

1. Robert McCullough was arrested for Disorderly Conduct on 04/09/2014.
2. Robert McCullough had approximately \$100 cash in his possession after being arrested.
3. Robert McCullough was booked into Hennepin County Jail.
4. Robert McCullough was released from Hennepin County Jail on 04/10/2014, and he received a check in the amount of \$3.37.
5. Robert McCullough went to the Minneapolis Police Department Property and Evidence Unit to retrieve his cash and learned that no cash had been property inventoried.
6. On 04/14/2014, Robert McCullough went back to the Minneapolis Police Department Property and Evidence Unit; still no cash had been property inventoried.
7. \$97.00 cash was property inventoried by Officer Jarrod Silva on 04/15/2014 at 1700 hours.
8. A notice was sent to Robert McCullough regarding this cash on 5/8/14.
9. Robert McCullough retrieved this cash from the Property and Evidence Unit on 05/19/2014.

DISCUSSION

Allegation #1: It is alleged that Officer Jarrod Silva of the First Precinct CRT Unit failed to property inventory Robert McCullough's \$97.00 cash until six days after arresting him for Disorderly Conduct. If this allegation is found to be true, it would violate the following:

10-401 RESPONSIBILITY FOR INVENTORY OF PROPERTY AND EVIDENCE (12/14/07) (A-D)

Definitions:

- Property – any material object of value, however slight, tangible or intangible to which an owner has a legal right.
- Evidence – documentary or oral statements and material objects admissible as testimony in a court of law.

All MPD employees taking possession of property, whether evidentiary or non-evidentiary, shall place such property in the custody of the Property and Evidence Unit and complete the inventory prior to the end of their shift. The inventory shall include all evidence seized regardless of whether an arrest has been made. This includes sworn employees working off-duty employment. (04/01/93) (02/19/02) (12/14/07)

Exceptions to this requirement:

- Property or evidence recovered by Crime Lab personnel, and
- Sworn MPD employees taking custody of evidence requiring immediate review, which has been obtained in a search warrant. In these instances, all items shall be property inventoried as soon as practical. It is strongly advised that all suspected narcotics, cash and firearms be inventoried prior to the end of the sworn MPD employee's shift. Until items are property inventoried, the investigator is responsible for assuring that the items recovered are securely stored and the chain-of-custody is maintained.

Investigative personnel shall property inventory evidence created during the course of an investigation (such as audio/video recordings of interviews) as soon as practical given the nature of the case.

The clothing and all personal effects used to identify an arrested person shall be inventoried by the arresting or assisting, sworn employee(s). When a suspect is charged or released, the case investigator shall decide if the suspect's clothing and/or personal effects need to be held as evidence. If there is no legal basis to hold the items, the investigator shall immediately authorize release of the items via the CAPRS system.

Due to facility and personal safety concerns, the Property and Evidence Unit will not accept items containing unknown contents unless a search warrant to open or examine the item is being obtained. This includes, but is not limited to: locked safes, briefcases and luggage. Officers and Investigators should contact the Property and Evidence Unit before bringing in these types of items.

Cash, jewelry, narcotics and firearms are only accessible when a Property and Evidence supervisor is on site.

Employees shall not retain any property or evidence that has come into their possession through the course of their official duties, for personal use.

Property and Evidence (P&E) Unit personnel will set standards for receiving, documenting and securing all items inventoried. The Property and Evidence Unit Procedure Manual outlines procedures for handling evidence and carrying out property inventories in detail.

- According to CAPRS CCN 14-113711, Robert McCullough was arrested on 04/09/2014.
- In his formal Internal Affairs interview, Robert McCullough stated that he had left two voicemails regarding his cash while inquiring about this cash at the First Precinct Station on 04/14/2014.
- Minneapolis Police Department Property Inventory Sheet under CAPRS CCN 14-113711 documented that Officer Jarrod Silva property inventoried \$97.00 cash on 04/15/2014 at 1700 hours.
- Workforce Director Records show that Officer Silva worked his regularly scheduled shift on April 9th, 10th, 11th, 12th, and 15th of 2014.
- In his formal Internal Affairs interview, Officer Jarrod Silva stated that he had handled Robert McCullough's property. While doing so, he separated McCullough's cash from the rest of his property, and he secured this cash in his desk as non-evidence. He stated that he forgot to property inventory this cash. He later realized that this cash was still in his desk, and he property inventoried it. He stated that this was just an oversight and was not done intentionally. He did not recall how he came to realize that he was still in possession of this cash six days after the arrest.

I confirm that the information I provided in this case is true to the best of my knowledge.


OPCR Investigator # 7502

Date 06/03/15

1 TODAY'S DATE IS OCTOBER 8, 2014. THE TIME IS 1207 HOURS. THIS IS
2 SGT. WALTERS OF THE INTERNAL AFFAIRS INVESTIGATING OPCR CASE
3 NUMBER 14-10235. WE ARE CURRENTLY IN THE INTERNAL AFFAIRS
4 OFFICE, ROOM 112 OF CITY HALL, WITH ME IS OFFICER JARROD SILVA.
5 ALSO, PRESENT IS LT. KROLL FROM THE POLICE FEDERATION.
6 TRANSCRIBED BY R. METCALF.

7
8 RE: OPCR Case Number #14-10235

9
10 Q: Officer Silva, could you please state your full name for me and spell your last
11 name?

12 A: Jarrod James Silva. Silva is S-I-L-V-A.

13
14 Q: What is your present rank and work assignment?

15 A: Present rank is Officer, and I currently work at the First Precinct CRT.

16
17 Q: What is your employee number and date of appointment?

18 A: Employee number is 6551. Date of employment is November of '06.

19
20 YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL
21 STATEMENT PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR
22 FITNESS FOR DUTY. IT IS A COMPELLED STATEMENT PURSUANT TO
23 MPD POLICY AND PROCEDURE.

24
25 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS
26 INVESTIGATION CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST
27 YOU, EXCEPT IN THE CASE OF ALLEGED PERJURY. HOWEVER, THESE
28 STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO
29 EMPLOYMENT ALLEGATIONS.

30
31 Q: Do you understand this warning?

32 A: Yes.

33
34 I AM ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR
35 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT
36 INFORMATION THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL
37 BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING
38 SUSPENSION OR DISCHARGE.

39
40 Q: Do you understand this warning?

41 A: Yes.

42
43 Q: Is it correct that you have read, understood, and signed the Data Practices
44 Advisory, otherwise known as the Tennessen Warning?

45 A: Yes.

46

INT je

1 Q: Have I informed you that the purpose of this statement relates to an internal
2 investigation, and specifically, an administrative review that is being conducted
3 regarding allegations that officers failed to properly property inventory cash
4 obtained during the arrest of Robert McCullough at 1st Avenue North and 6th
5 Street North on April 9, 2014, at 1125 hours, and this is in reference to CAPRS
6 case number 14-113711?
7 A: Yes.
8
9 Q: And have I explained that you are being called to explain the circumstances
10 regarding this allegation?
11 A: Yes.
12
13 Q: Officer Silva, were you working on April 4-, or April 9, 2014?
14 A: Yes.
15
16 Q: In what capacity?
17 A: As a CRT Officer.
18
19 Q: And what was your assignment that day and your work hours?
20 A: Um, my work hours are 9 in the morning till 7 at night. Um, my capacity was
21 a plain clothes officer.
22
23 Q: OK. Were you involved in the arrest of Robert McCullough? If I can bring
24 your attention to a photo here,...
25 A: Yes.
26
27 Q: that's Mr. Robert James McCullough. Do you recall, uh, arresting Mr.
28 McCullough?
29 A: Yes.
30
31 Q: Could you please explain the circumstances surrounding that arrest?
32 A: Uh, I was walking with another officer. We observed some, um, some
33 behaviors by McCullough. Um, he was causing quite a disturbance. Um, I
34 ended up coming back and, um, arresting him for those behaviors.
35
36 Q: Who were you walking with when you first observed Mr. McCullough?
37 A: With Officer Kipke.
38
39 Q: And what did you do after observing his behaviors?
40 A: I went back upstairs and, um, I came back out a short time later with Officer
41 Lee.
42
43 Q: Where's upstairs?
44 A: At the First Precinct in the CRT Office.
45

INT 

1 Q: So, it's my understanding that you first observed Mr. McCullough while you
2 were with Officer Kipke and then you went back to your office, came back later
3 with Officer Lee, and observed him again?

4 A: Yes. Came right back down. I walked up and came right back out.
5

6 Q: OK. Where was Mr. McCullough at that time?

7 A: Uh, he was walking towards 6th Street.
8

9 Q: And was he engaged in any behavior that was catching your attention?

10 A: Uh, I don't recall exactly what he was-, he was doing. I know he was around
11 some other people and...
12

13 Q: OK. So, you placed Mr. McCullough under arrest. That's not an issue that
14 we're disputing here, correct?

15 A: Correct.
16

17 Q: Did you actually handcuff Mr. McCullough?

18 A: Uh, I don't know if it was Officer Lee or myself that physically handcuffed him.
19

20 Q: Do you recall who searched Mr. McCullough?

21 A: I believe I did.
22

23 Q: And there was some statements, uh, that pertained to an exchange of tickets
24 for the game and cash, uh, do you have any knowledge of a transaction that Mr.
25 McCullough was engaged in when you apprehended him?

26 A: Yeah. When he was in the custody, uh, he-, another guy walked up and
27 stated that they had done some transaction and he wanted his, his money back
28 for something. I don't if-, what it was, but McCullough stated he could have his
29 money back, they both stated whatever the amount was, and, um, I took the
30 money and gave it to the guy.
31

32 Q: OK. Is this-, um, is this recollection of yours a little foggy or a little fuzzy?
33 Um, Mr. McCullough said that he had just purchased tickets from the other man
34 and he was in the process of paying the other man for these tickets, um, when
35 you guys arrested him. It was arranged that, hey, why don't you just give Mr.
36 McCullough his cash back, I'll just take my tickets back, and we'll go our separate
37 ways; ultimately, leaving Mr. McCullough with his cash and not the tickets. Is
38 that your recollection?

39 A: Mmm, sounds pretty close.
40

41 Q: OK.

42 LT. KROLL: Can we take a timeout? I just wanna review-, have, have him
43 review this report again.
44

45 Q: Yeah. That would be great. The time is now, uh, 12:14. I'm going to leave
46 the recorder running.

INT 

1
2 [doors opening/closing- break- on audio at 6:37 to 9:06]

3
4 Q: All right. Welcome back.

5 A: Sorry.

6
7 Q: I left the recorder running the whole time, but it's just for the record 1216
8 hours right now.

9 LT. KROLL: He's gonna go back and articulate the arrest for disorderly and...

10
11 Q: Yeah. Why don't we go back and explain to me the circumstances around
12 Mr. McCullough's arrest?

13 A: So, you wanted the more in depth of his behavior is what you were...

14
15 Q: Yeah. I, I'm really not going to sit and drag every answer out of you, um, just
16 give me what's in here.

17 A: He-, yeah. When we were walking, we would be walking I guess from 6th
18 Street towards 5th Street, we observed-, I observed Mr. McCullough he was
19 standing on the southeast corner of 5th Street. He was screaming at some guy.
20 He was yelling, fuck you this, fuck you that, you know, I'm done with you, this is
21 over, and just screaming. There was multiple people around there that kind of
22 started backing up. I noticed-, I know a guy and his little boy were going to the
23 Twins game and they had to take a wide step into the street and kind of walk
24 around and he pulled him-, I noticed he pulled him close. And McCullough was
25 just continuing to scream and was trying to tell people that this other guy he was
26 yelling at was, you know, he was dirty or a liar and all this stuff. And then I
27 watched him walked into the middle of the street still yelling at him, still swearing
28 at him, the same fuck yous and everything else. And um, as he got to the other
29 side of the corner, which was the north or it's the southwest corner, I guess it
30 would be, that's where the bar is. There's a couple bars sitting there and people
31 were eating outside. He was still yelling across the street at the guy and saying
32 fuck yous and this and that, and you're over, and I'm done with you, nobody deal
33 with him. And even people sitting were kind of startin' to shake their heads and
34 everybody was turning and people were walking and so, um, that's how I know
35 this that was that disorderly conduct.

36
37 Q: Right.

38 A: It was just getting out of control.

39
40 Q: I appreciate the detail. The arrest of Mr. McCullough is not an issue here.

41 A: Sorry, I didn't-, I didn't [inaudible].

42 LT. KROLL: I wanted him to clarify that and then...

43
44 Q: Yeah.

45 LT. KROLL: now how it relates to this other guy.

46

INT 

1 Q: Right.
2 A: Sorry, I didn't mean to [inaudible].
3
4 Q: So, now, let's, let's work our way through this. After observing that behavior,
5 for some reason you decided not to take arrest action at that time; is that correct?
6 A: Yes.
7
8 Q: OK. So, you went to your office?
9 A: Yes.
10
11 Q: And then you returned with another officer this time, you now out on the
12 street in plain clothes; is that correct?
13 A: Still in plain clothes.
14
15 Q: OK. With Officer Lee?
16 A: Yes.
17
18 Q: You head down to the same area that you observ-, observed, uh, Robert
19 McCullough having this behavior?
20 A: Yes.
21
22 Q: And again, you spot him and now where is he?
23 A: He was still on 1st Avenue, but closer to 6th Street...
24
25 Q: OK.
26 A: just approaching 6th Street.
27
28 Q: And again, we're not disputing the fact that he was taken into custody.
29 A: Right.
30
31 Q: Now, did you recover any money from Mr. McCullough?
32 A: Yes. He had a-, he had money on him.
33
34 Q: Do you recall how much money?
35 A: No, I do not.
36
37 Q: Um, tell me in detail what happened from the arrest, and when you searched
38 him, did you obtain this money-, you personally, did you acquire this money from
39 Mr. McCullough?
40 A: Yes. He had money on him. Apparently just prior to us arriving, he might
41 have had whatever deal with another gentleman who had stated whichever way if
42 he had just sold him tickets and said, you know what I don't want to be a part of
43 this, I'll give him his money back, and you know I'll just take my tickets back.
44 Those two had talked, and being that Mr. McCullough was in handcuffs, I asked
45 him I said is this what you want to do and this is fine, and that exchange was
46 made and then he was placed into the squad car and we were gone.