



HUDSON POLICE DEPARTMENT INTERNAL INVESTIGATION REPORT

REFERENCE: IA2207-1

SYNOPSIS OF COMPLAINT FOR INVESTIGATION

On 07/13/2022 Sergeant [REDACTED] arrived at work at approximately 0345 HRS. Upon entering the building, the patrol room was dark and the door to patrol was slightly open. Officer Bowen was in the patrol room and came out of the patrol after Sergeant [REDACTED] sat down at his desk. Officer Bowen asked Sergeant [REDACTED] if he was in trouble and if everything was ok. Sergeant [REDACTED] told Officer Bowen everything was ok. Sergeant [REDACTED] suspected Officer Bowen had been sleeping due to the patrol room being all dark and the door being slightly open when he drove by and entered the building.

On 07/14/2022 Chief Scott Sedgwick advised Officer Bowen had impounded two commercial motor vehicles and used Superior Towing which was not a contracted tow company contracted with the Hudson Police Department. The two Hudson Police Department Case Numbers for the tows were 22HP02149 and 22HP01961.

The following are Hudson Police Department Policies related to the allegations:

502.3 TOWING SERVICES

The Town of Hudson periodically selects one or more firms to function as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- a. When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- b. When a vehicle is being held as evidence in connection with an investigation.
- c. When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

320.5.7 EFFICIENCY

- d. Unauthorized sleeping during on-duty time or assignments.

INVESTIGATION

Chief Scott Sedgwick requested I, Sergeant Kevin Jamison initiate an internal affairs investigation. Officer Bowen was provided with a Notice of Internal Investigation on 07/17/2022.

I spoke with Sergeant [REDACTED] on 07/17/2022 and he told me he suspected Officer Bowen has been sleeping during his shift regularly because he consistently has no activity between 2200 HRS and 0500 HRS. Sergeant [REDACTED] confronted Officer Bowen on 06/29/2022 and told him there had been an uptick in crimes and recent complaints from citizens. Sergeant [REDACTED] checked Officer Bowen's Activity Logs, Crystal Reports from dispatch, and GPS. Sergeant [REDACTED] determined Officer Bowen had been spending extensive periods of time at the PD with no work being done during those times and it was unacceptable. Officer Bowen told Sergeant [REDACTED] he understood.



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I reviewed report 22HP01961 in which Officer Bowen pulled over a semi truck pulling a trailer for weight restriction on 07/03/2022. The semi had a fictitious Texas plate. Officer Bowen had the truck disconnected from the trailer and towed the truck utilizing Superior Towing. Officer Bowen left the trailer at Memorial Park.

I reviewed report 22HP02149 in which Officer Bowen pulled over a semi-truck pulling a trailer for weight restrictions. The truck had an expired Texas plate and no insurance. Officer Bowen had the truck disconnected from the trailer and towed the truck utilizing Superior Towing. The trailer was picked up by a different truck and driver.

I was able to locate Town of Hudson Resolution 22-02 dated January 5, 2022. This resolution is the agreement for towing services between the Town of Hudson and I-76 Towing. The contract will be up for renewal on January 15, 2023. I did not locate any other contracts between the Town of Hudson and any other towing companies for service.

On 07/19/2022 at approximately 1610 HRS I spoke to I-76 Towing Owner Manuel "Manny" Balderas. I provided Manny with the two dates and approximate times (07/03/2022 around 1935HRS and 07/14/2022 around 0120 HRS) two semi-trucks were towed.

Manny did not receive any calls from Officer Bowen or Dispatch for the tows. Manny would not have requested to use Superior Towing for the tows if he were called. Manny confirmed he has resources in place to take care of all towing needs for Hudson Police Department. Manny confirmed his agreement with The Town of Hudson that he is the sole contracted tow company. I asked Manny if he knew how much money he would have been out for not towing the two semis. Manny told me he could not give a definite total, but the service would have been \$375/ HR and either a \$40/ day impound fee or depending on the length of the vehicle \$1.50/ foot.

After speaking with Manny, I contacted Superior Towing to get some information on the two semis. The following is the information I received regarding the fees and status associated with the tows:

22HP01961 (picked up)

- \$1,086.30 impound fee
- \$50.03 / day X 2 days storage fee (\$100.06)
- \$89.24 after-hour fee for picking up after hours

TOTAL: 1,275.60

22HP02149 (still impounded)

- \$1,086.30 impound fee
- \$50.03 / day X 6 days storage fee (\$300.18)
- \$150.00 additional certified letter

TOTAL: \$1,536.48



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BOTH TOWS AT THE TIME OF CONTACT TOTALED: \$2,812.08

I went through Officer Bowen's calls for service and observed he had numerous shifts where he had no activity for the majority of his shift. The following are the dates and times associated:

Out of twenty-seven shifts between 05/22/2022 and 07/13/2022

NOTE: twelve shifts had limited activity (see below) / other shifts only had activity in the middle of the night if there was a call and activity picked up after Sergeant ██████ spoke to him on 06/29/2022.

- Sunday 05/22/2022 Shift Hours 2000-0600 (no activity after 2104 HRS)
- Thursday 05/26/2022 Shift Hours 1700-0300 (no activity after 2236 HRS)
- Friday 05/27/2022 Shift Hours 1700-0300 (no activity after 1759 HRS)
- Sunday 06/05/2022 Shift Hours 2000-0600 (no activity after 2205 HRS)
- Monday 06/06/2022 Shift Hours 2000-0600 (no activity after 2119 HRS)
- Tuesday 06/07/2022 Shift Hours 2000-0600 (no activity)
- Sunday 06/12/2022 Shift Hours 1700 0300 (no activity after 2127 HRS)
- Tuesday 06/14/2022 Shift Hours 2000-0600 (no activity after 2016 HRS)
- Tuesday 06/21/2022 Shift Hours 2000-0600 (no activity after 2341 HRS)
- Wednesday 06/22/2022 Shift Hours 2000-0600 (no activity after 0041 HRS)
- Sunday 06/26/2022 Shift Hours 2000-0600 (no activity after 2154 HRS)
- Monday 06/27/2023 Shift Hours 2000-0600 (no activity between 2140 – 0511 HRS)

On 07/20/2022 at approximately 0445 HRS I met with Officer Bowen in the Sergeant's Office and audio recorded the interview with him regarding this Internal Affairs Investigation.

I provided Officer Bowen with the Notice of Internal Investigation and he confirmed he had seen it.

I then provided Officer Bowen with the Advisement Pursuant to an Internal Investigation and Direct Order. Officer Bowen signed it and spoke with me.

The following is a synopsis of the interview:

I asked Officer Bowen if he knew who Hudson PD is contracted with for towing vehicles and he told me I-76 Towing. I spoke with Officer Bowen about towing the two semis and using Superior Towing. Officer Bowen told me he knew Manny could not do it and requested dispatch call a big rig towing company. I asked Officer Bowen who had authorized him to use Superior Towing and he told me nobody needed a big rig tow company and knew Manny could not do it. I asked Officer Bowen if he had used Superior Towing in the past and he told me he had in the past for wrecks on the highway and the last time he used them was back in 2021. Officer Bowen said he had towed semis a handful of times.

I then asked Officer Bowen if he had ever slept on duty while at Hudson Police Department. Officer Bowen told me he had a few times and he tried to be safe about it. Officer Bowen told me if he is tired,



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he usually just watches his tablet or plays video games on his phone (note, he mentioned this several times). He told me nothing had been brought up before and thought it was acceptable. He said Sergeant Trujillo has told him if he gets tired to come back to the PD and chill. When asked how long he would sleep, he told me about a half hour and never missed the radio. He said he would turn his radio up, so he did not miss any calls. I asked Officer Bowen when the last time he slept on duty was and he said last week, and he was not feeling well, and then said it was about a week and a half ago. He said he was not sleeping last week when Sergeant [REDACTED] came in early in reference to the morning when the lights were off, and the door was mostly shut in the patrol area. He said since [REDACTED] has spoken with him recently, he has been doing area watches and changing his habits.

CONCLUSION

502.3 TOWING SERVICES

The Town of Hudson periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- a. When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
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If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

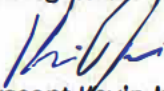
FINDINGS: SUSTAINED

320.5.7 EFFICIENCY

- e. Unauthorized sleeping during on-duty time or assignments.

FINDINGS: SUSTAINED

Investigator:


Sergeant Kevin Jamison

Date: 07/21/2022