

**Tampa Police Department Internal Affairs Bureau
Service Related Inquiry Memo**

Date: 1/22/02

Control # 025-006	Nature of Complaint: STANDARD OF CONDUCT	# 1002
To: MAJOR S. CUNNINGHAM	From: CAPT J. MARKS	<i>[Signature]</i>
	DET. J. BARTOSZAK	IAB

Subject employee: **CPL. R.A. WAGNER**

Complainant: **midgaugh** Home tel.: **837-1628** from _____ to _____ (hours) Date of incident: **1/20/02**

Home address: _____ Work tel.: _____ from _____ to _____ (hours) Date received: **1/22/02**

SUBJECT

REFER TO SUPPLEMENT

Return Reply to IAB on or before: 2/21/02

SEE ATTACHED

**INTERNAL AFFAIRS BUREAU
CASE DISPOSITIONS
(MUST CHECK ONE)**

SUSTAINED: The investigation proved the allegations made in the complaint. (Found guilty.)

UNFOUNDED: Not Involved: The investigation revealed that the named employer was not involved in the incident.

Exonerated: The incident or acts did occur, but they were justified and within accepted policy or procedure. (Not guilty.)

Unwarranted: The allegation was made in good faith, but the investigation revealed the allegation lacked basis in fact. (Mistaken.)

False: The allegation was untrue. (Lied.)

NOT SUSTAINED: The investigation failed to prove or disprove the allegation made in the complaint.

NO VIOLATION: No violation of department policies or procedures occurred; used only with investigations required by policy when no specific complaint is alleged.

WITHDRAWN: The complainant withdrew their complaint.

INACTIVATED: Unable to complete the investigation.

By: *[Signature]* Date: **8 FEB 02**

Original: Return to Sender with Reply Pink Copy: Originator Keep for File Copy Yellow Copy: Replier Keep for File Copy

DATE: February 13, 2002

TO: S. A. CUNNINGHAM, Major
District I *3/15/02*

ATTN: J. F. SMALL, Captain
District I *J. F. Small*

ATTN: M. C. RENDALL-WALKER, Lieutenant
District I *Concurrence*

FROM: P. J. MINNAX, Sergeant
District I

SUBJECT: **I.A.B. COMPLAINT #02S-006, REFERENCE
CORPORAL R. A. WAGNER**

I received the above cited complaint and investigated it. The following is a synopsis and recommendation for disposition.

On January 20th, 2002, Corporal Robert Wagner had an occasion to stop a Ms. Middaugh and issue her a traffic citation for running a red light. In the vehicle with Corporal Wagner was a TPD ride along identified as Ms. Middaugh alleged that during this traffic stop, Corporal Wagner was unprofessional in his dealings with her, making several statements that she considered to be rude.

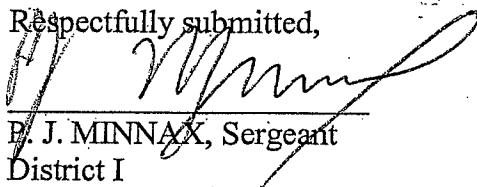
In response to this complaint, I attempted to contact Ms. Middaugh seven times over a period of five days. I left several messages and none were returned. I then responded to her home located at _____ and made contact with her. I spoke with her at length about the traffic stop. The vast majority of our conversation centered around her frustration about receiving the citation and the fact that her insurance rates might rise. As we discussed the matter in detail, she tended to embellish on the original complaint, adding more to the incident. After the interview, I was left with the impression that the motivation for her complaint was out of frustration over the citation.

I interviewed _____ who was riding with Corporal Wagner, and present during the call. _____ was a civilian ride along who can be reached at _____ stated that Corporal Wagner did nothing wrong and was not in anyway offensive to Ms. Middaugh. He also stated that he was surprised at Ms. Middaugh's behavior given her age (74 years old).

Upon interviewing Corporal Wagner, he advised that at first Ms. Middaugh was acting in a very "innocent" manner. He told me that when she discovered that she was getting a citation, she quickly changed from a "timid, sweet older lady" to an "outraged, argumentative person" who was "infuriated" that she was going to get a citation. She also expressed concerns about her insurance rates. Corporal Wagner denied that he was ever rude to Ms. Middaugh.

After reviewing the facts and interviewing all parties, it is my opinion that the allegation of violation of Manual of Regulations #1002 – Standard of Conduct, against Corporal Wagner, be **UNFOUNDED: UNWARRANTED.**

Respectfully submitted,


B. J. MINNAX, Sergeant
District I

TAMPA POLICE DEPARTMENT

Internal Affairs Bureau

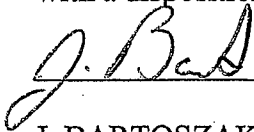
COMPLAINANT: MIDDAUGH, F
SUPPLEMENT

I.A.B. CASE: 02S-006

SUPPLEMENT

This supplement is by Detective James W. Bartoszak of the Tampa Police Department, Internal Affairs Bureau. On 01/22/02 this investigator was contacted by the complainant

Middaugh. Mrs. Middaugh advised on Sunday, 01/20/02 she received a traffic citation from Cpl. R. Wagner for the offense of running a red light. Mrs. Middaugh's complaint centered on Cpl. Wagner's demeanor during the issuance of the citation. Mrs. Middaugh advised Cpl. Wagner made the following comments. "What's the matter with you lady". "You going to argue with me about this" "How many tickets have you got". "Don't forget if you decide to set up a court date I'll be there". Mrs. Middaugh went on to explain that after Cpl. Wagner took her license she observed him sitting in his police vehicle writing the citation and laughing with the other officer in the vehicle. Mrs. Middaugh felt Cpl. Wagner was laughing about the fact she was about to receive a citation. Mrs. Middaugh is an elderly female and felt Cpl. Wagner showed poor professional attitude during this citizen contact. Mrs. Middaugh wishes to be contacted with a disposition of this complainant.



J. BARTOSZAK, Detective
Internal Affairs Bureau

Incident Number	TPD Tracking	Date	Rooting Type
98		3/27/02	FYI - Referral

Inquire Source	Source Specific - Name	Medium Type
Citizen Direct	Middaugh	Traditional Mail

Inquiry Name	Inquiry Address	Inquiry City
E Middaugh	**** Ave.	Tampa

Inquiry State	Inquiry Zip	Inquiry Country
FL	33611	US

Inquiry Phone H	Inquiry Phone W	Inquiry Phone C
unk		

Inquiry Phone P	Inquiry Phone F	Previous Inquires	Previous Date

Inquiry Location
West Shore and Gandy

Inquiry Details
Complt received a citation from Cpl. Wagner. She did not believe she committed a violation and she did not like Cpl. Wagner's demeanor and attitude. This was already investigated as a service related inquiry.

Primary Division
Chief

Primary Specific
Internal Affairs / Executive Officer

Secondary Division **Secondary Specific**

FYI/Assistance **FYI- Only**

Response to	E-mail OK?	Letter of response?	Copy 1 to
	<input type="checkbox"/>	<input type="checkbox"/>	

Copy 2 to	Date Completed

File Location