

December 16, 2011

The Honorable Pamela Washington  
Anchorage District Court  
825 W. 4th Avenue  
Anchorage, Alaska 99501-2004

Re: Municipality of Anchorage v. Shailey Tripp  
Case No. 3AN-10-02448CR

Dear Judge Washington:

This letter is in response to Plaintiff's Briefing in Response to Defendant's Request dated December 13, 2011, in response to your order November 30, 2011, issued in response to my Letter to APD Internal Affairs that Your Honor treated as a motion. This is admittedly a hurried response as I only received this in the mail today.

I first of all object to the Plaintiff failing to file their reply within the 5 days stated in your order. I ask that Plaintiff be sanctioned.

Plaintiff's reply in essence is that my requests – as outlined in my letter to Internal Affairs – are moot because, as the reply states, “The APD property and evidence department has delivered all known goods to Ms. Tripp exception of a credit card machine which was not labeled as belonging to Ms. Tripp,” and that, with regard to my serious allegations against Lt. Parker, my requests “cannot be remedied through an APD investigation of a closed case.”

Before getting to my specific reply, I should first acquaint the court with the information that the APD has now destroyed all of the property in question, with the apparent exception of one item. I learned this in a conversation with Sgt. Ryan of APD Internal Affairs on 12-14-2011. I had called to determine the status of my request to Internal Affairs for an investigation of my property and the press release. Sgt. Ryan advised me that all of the property had been destroyed except for a credit card machine, which I could claim after I obtained a new power of attorney. **He told me that it was Lt. Parker who ordered my property destroyed.** This came as a shock, in particular because St. Ryan had gone to great lengths to tell me that Lt. Parker's sole job at APD was to issue press releases. There was no explanation as to why the credit card machine was spared, but not the other items I have insisted are mine.

Because my property has now been destroyed, the Municipality no doubt regards all of this as moot. I know I cannot get back now what has been destroyed but I would like to have an accounting from the Anchorage Police Department of who ordered my property destroyed, when it was destroyed, and the specific items destroyed. Judge, I believe there is more going on here.

Plaintiff states that all my property was returned “with the exception of the credit card machine.” And yet, the APD had maintained steadfastly (since June 15, when you ordered the return of my property), that the credit card machine was not mine.

Plaintiff's December 13 reply states, "Ms. Tripp has been informed it is available for her to retrieve." This is not true. I did not learn of this fact until on December 14 when I spoke with Sgt. Ryan of Internal Affairs. It was a call that I initiated. It was one of several conversations I had with him that day regarding the status of the investigation I had asked for.

Plaintiff's reply maintains the same line of logic I have been given by the APD for months – that we have given you everything that is yours. The logic being that if we didn't give it back to you it must not be yours. This is not acceptable. When a person keeps insisting that certain property belongs to them, I believe the APD has a duty to make further inquiries. During the hearing on June 15, when I raised the subject of the return of my property, I made it clear that my property included all of those items on the six pages of property and evidence forms. It's in the record. The MP agreed to that. Multiple cell phones were mentioned. The MP and APD are applying a ridiculously rigid standard of ownership, one that denies me the ability to claim any item as mine unless it is stamped with my name. I am told that when search warrants are executed the process is often haphazard and chaotic, as officers sort through numerous items of evidence and try to catalog it. It should not surprise anyone that an item could be inadequately labeled. None of the officers I observed at the scene were making any effort to determine who owned what.

If the APD wished to deny that certain property was mine, as it has done since last June, it has an obligation to exercise some minimal due diligence beyond just saying it doesn't have my name on it. I was arrested and my property seized **at my place of business**. That at least should have alerted officers that anything in that establishment belonged to me unless proven otherwise. Apparently it did not. Kashawn Thomas was also arrested at my place of business. The APD was well aware that Thomas was an employee of mine. She was arrested under a separate case number with different property and evidence numbers assigned to her. It is disingenuous of the APD to assert that they could not separate my property from her property.

The following numbers refer to APD property tag numbers as contained in the APD Property & Evidence Report for Case Number 10-3948:

- \*843299 Cell Phone
- \*843296 Receipt Book
- \*843302 Computer
- \*843301 Business License
- \*843300 Labels
- \*843305 Business License
- \*843304 Misc Paperwork
- \*843310 Notebook
- \*843309 Date book
- \*843308 Ledger
- \*843408 Misc paperwork
- 843295 US Currency \$180.00
- 843294 US Currency \$339.00
- 843293 Cell Phone
- 843292 Condoms

843298 Condom wrapper  
843297 Condom  
843303 US Currency \$209.00  
843307 Credit Card machine  
843306 US Currency  
843311 Paperwork

Numbers preceded by an asterisk (\*) have been returned. The remaining items have not been returned and are the subject of this brief. The remaining items should have been returned to me absent a substantive showing that they were not mine. This they have never done. The only response I ever received was they were not my property. Given the circumstances under which they were seized (at a place of business that I owned) I believed there should have been a presumption that any items on the premises belonged to me. From what I can tell no one at APD ever made any effort whatsoever to actually make an ownership determination, so that in essence my continued insistence over many months that these items were mine was ignored.

To give an example of how arbitrarily the Property & Evidence Report forms are completed, Item #843306, which was labeled "US currency. Found in desk drawer. Buy money." The amount is not listed on the form. This was actually rent money that I was getting ready to pay and totaled \$1800. I submit that on those rare occasions when questions of ownership arise the APD should not reply simply on what this form says but should do some additional due diligence so that the property can be returned to its rightful owner. I believe that money should have been returned to me. Your Honor, I believe this is a basic question of due process of law.

Other than the condoms, my contention has always been that these items were at my place of business and were business property. I wish to point out that at the time my mother picked up the (\*) items for me, she received conflicting explanations for why the other items could not be returned. When "Cara" told her the MA had made that determination and a call to the MA disputed that claim, she changed her story and said it was the court. When a call to the court disputed that claim, she then fall back on the excuse that my Mom needed to speak with Lt. Parker.

My efforts to obtain these additional items are recounted in my initial motion. With regard to specific items, No. 843293 - Cell Phone was a business phone that belonged to me. Although the P&E states "Thomas' cell phone – found by Padgett," there is no basis for that statement. I wish to inform Your Honor that Officer Padgett was a client of my business. Neither the APD nor the MP has offered any evidence of having made the slightest effort to determine whether it was in fact my phone before destroying it. All they had to do was ask Thomas.

There was also another computer (Sony Viao) that was seized that did not appear on the APD Property & Evidence Report for my case. Plaintiff's reply states, obviously having done no substantive inquiry on its own, that, "...an alleged second computer, was never seized by APD during the performance of their search warrant *in this case.*" (Italics mine) Plaintiff is correct but neglects to say whether it was seized during the performance of a search warrant in another case, namely that is Kashawn Thomas. I attempted to find this out during a conversation with Dennis in APD Property on/about August 11. Dennis told me he would investigate this matter but

warned me that he would not be able to tell me anything about Kashawn's case. I believe what happened was that this computer was seized as part of her case and the APD is using that fact to deny my claim. However, just because it has become part of the property of another case, does that mean I cannot ask for it back?

I had conversations with Cara (previously mentioned), Dennis at APD Property, and with Lt. Parker about this computer. Neither the APD nor the MP has offered any evidence of having made the slightest effort to determine whether that was my computer before destroying it, even after my repeated insistence that it belonged to me. Again, all they had to do was ask Thomas.

In addition there was paperwork that I have insisted I needed for tax filing purposes that I never received. This may also have been listed with Kashawn Thomas' property. As with the other items under contention, I have sought for many months to make it clear to numerous individuals at the APD that there were additional items that belonged to me. I believed this issue could have been resolved quickly if someone had taken a minimal amount of time to research the property and establish whether in fact it was my property. That was never done. I have been basically ignored.

Out of frustration, I have attempted to seek redress. I wrote to APD Internal Affairs (of which Your Honor has been provided a copy) and to the Municipal Ombudsman asking for an investigation of the APD's conduct in this matter. When I spoke to Sgt. Ryan the other day he told me he did not think my request for an investigation had any merit, basically telling me Lt. Parker was a good cop and did not do anything wrong. When I asked if there was any precedence for such an occurrence he said there were but was unable to provide a single example. When I went over the many inaccuracies in the press release he attempted to explain away each one. It is clear that they do not intend to conduct any investigation of this matter.

Judge, how is it that the lawyer for a powerful political figure can call the APD and essentially **dictate the contents of a press release** that a sworn officer will then **send to specific media outlets** to ensure an outcome for that politician, and the department does not see anything wrong with that?

Internal Affairs also did not find anything suspicious in the fact that the APD public affairs officer (Lt. Parker) should be involved in the "routine" destruction of property in what should have been a routine dismissed misdemeanor case. In my many phone calls to the MP's office and to APD, no one could understand why my property was not being returned, but always when I pressed for further explanation I was referred to Lt. Parker. But why should Lt. Parker have had any involvement in the property matter of a routine misdemeanor arrest? I have enclosed for your review and information an email that I received from Lt. Parker in response to my many inquiries about the APD's performance in this case so you will understand how dismissive, demoralizing and degrading he has acted towards me.

Your Honor, the reason the press release is relevant to my property is that it explains why it was destroyed. Lt. Parker, who is known to be associated with Sarah Palin through the same church, using his authority as APD Public Affairs Officer, issued a deliberately inaccurate press release at the request of attorney John Tiemessen to personally aid someone with whom he is politically

allied, and then I believe he ordered my property destroyed in the belief that it contained information might embarrass his friends, including members of his own department. There is no other plausible explanation. Plaintiff may dismiss this as “alleged rhetoric” if desired but it can’t dismiss the fact that Lt. Parker is on record publicly as admitting that the information he issued about my case was incorrect and that he issued it at the request of John Tiemessen.

I know this is an unusual step but I humbly request that you order the production of any/all internal APD documents (letters, emails, notes, etc.) relating to the handling and disposition of my property, and the press release issued by Lt. Parker, so that Your Honor may conduct an in-camera review of these materials to determine whether any APD officer or employee acted contrary to criminal or civil law, or in direct contravention of your order, with respect to my property. Lastly, I ask for appropriate sanctions against the APD, as Your Honor sees fit.

Plaintiff states that my requests cannot be remedied “through an APD investigation of a closed case.” This may be true, but I am entitled to due process and the protection of my civil liberties according to the Alaska Constitution. That is all I am asking for.

I thank you for your patience with the length of this letter.

Sincerely,

Shailey Tripp

Encl.