



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 22, 2019

CASE NUMBER: 2018OPA-1013

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)
# 2	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

Named Employee #2

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Unfounded)

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:

It was alleged that the Named Employees engaged in sexual conduct while at work and during work hours. It was further alleged that Named Employee #1 discussed that sexual activity at work, as well as discussed her past use of drugs and commission of crimes.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

An anonymous Complainant reported to OPA that Named Employee #1 (NE#1), a civilian employee, and Named Employee #2 (NE#2), a Detective, were engaging in sexual activity at work and during work hours. The Complainant also asserted that NE#1 openly discussed that sexual activity in the office. Lastly, the Complainant alleged that NE#1 told people in the office about her past drug use and crimes she had committed. It was alleged that this behavior was unprofessional and in violation of SPD policy.

As part of its investigation, OPA interviewed both NE#1 and NE#2. OPA also interviewed two other SPD employees – one sworn and one civilian – both of whom were assigned to the same unit as the Named Employees at the time of the alleged conduct.



NE#1 and NE#2 both denied engaging in sexual activity in the workplace or, for that matter, any other inappropriate activity. They confirmed that they were presently in a romantic relationship, but that they maintained professionalism during their work days. The Named Employees stated that they made the relationship public after NE#2 became an Acting Sergeant. NE#1 further stated that she did not tell others in the unit about sexual activity with NE#2.

NE#1 stated that she would not have engaged in conversations regarding her past drug use or crimes that she had committed. NE#1 noted that, at the time the anonymous complaint was made, it was announced in the unit that she was taking the test to become a police officer. She recalled that she did express to some colleagues her concerns about the SPD backgrounding process, taking a polygraph test, and having to disclose everything about her past to the Department and the vulnerability that this caused her to feel. However, she denied ever bragging about drug use or past criminal activity, stating that neither was something to brag about.

NE#1 contended that one employee in the unit, who was interviewed by OPA in this case and who is referred to herein as Civilian Witness #1 (CW#1), was upset by her decision to become a police officer. NE#1 asserted that CW#1 also did not approve of NE#1's relationship with NE#2. As such, NE#1 opined that CW#1 was the anonymous Complainant in this case.

During her interview with OPA, CW#1 denied that she was the anonymous Complainant. CW#1 noted that there had previously been some tension in the unit; however, she stated that she had no knowledge of anyone acting inappropriately. Specifically, CW#1 denied being aware of anyone engaging in sexual activity in the unit or bragging about prior drug use and/or criminal activity. CW#1 said that a number of people in the unit knew of the Named Employees' relationship. She speculated that any of those individuals could have been the Complainant in this case. CW#1 stated that she did not approve of the relationship because of inter-work dynamics but that she took no action to complain about it to anyone, including OPA.

The sworn employee – referred to here as Sworn Witness #1 (SW#1) – was identified by NE#1 as potential witness. Like CW#1, SW#1 stated that there were past negative dynamics in the unit. SW#1 said that the current work environment was better. SW#1 denied being aware of any of her co-workers having sex in the unit and while on-duty. SW#1 further denied ever hearing any co-workers brag about sexual activity, drug use, or prior criminal conduct.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.) If true, the conduct that NE#1 was alleged to have engaged in would have consisted a violation of this policy. However, based on OPA's investigation, there is no indication that she actually did or said anything that was alleged in the complaint. Indeed, the weight of the evidence suggests the opposite – that NE#1 did not act inappropriately in any respect. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy



SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

This allegation was classified for investigation based on the potential that NE#1 acknowledged drug use and criminal activity. First, there is no evidence suggesting that NE#1 was engaging in current drug use or criminal activity. To the extent either occurred in her past and before she became a SPD employee, those matters will be ferreted out during her backgrounding. If appropriate and necessary, an OPA referral can be made and those matters can be explored at that time.

As such, and based on the before OPA in this case, I recommend that this allegation be Not Sustained – Unfounded.

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

Named Employee #2 - Allegations #1

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

As discussed above in the context of NE#1, there is insufficient evidence to establish that NE#1 and NE#2 engaged in sexual activity while at work and on-duty. Indeed, the evidence available to OPA indicates the contrary – that the Named Employees did not do so. Accordingly, I recommend that this allegation be Not Sustained – Unfounded.

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