



ISSUED DATE: JULY 11, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0363

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL 14. Retaliation is Prohibited	Sustained

Proposed Discipline

63 Hours (7 Days) to 90 Hours (10 Days) Suspension and Demotion

Imposed Discipline

Resigned Prior to Proposed DAR – Suspension and Demotion

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.

ADMINISTRATIVE NOTE ON PROPOSED FINDINGS:

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

EXECUTIVE SUMMARY:

The Complainant—an SPD Police Officer—alleged his immediate supervisor, Named Employee #1 (NE#1), denied him opportunities to work in an “acting sergeant” capacity in retaliation for attempting to curtail her sexually explicit advances.

ADMINISTRATIVE NOTE:

On April 28, 2025, OIG certified OPA's investigation as thorough, timely, and objective. On May 2, 2025, OIG reviewed additional information gathered by OPA and noted the case remained fully certified.

STATEMENT OF FACTS:

This case is one of several related investigations concerning a police officer and his sergeant. In this case, the police officer is the Complainant; the sergeant is NE#1.



NE#1 was assigned to supervise a patrol squad in April 2024. The Complainant was one of the police officers in NE#1's squad. Thereafter, the Complainant approached NE#1 about serving as an "acting" sergeant, when needed.¹ NE#1 and the Complainant also engaged in texting each other and meeting for coffee—the exact nature of their interactions over text and in person are central to this case. Around the end of July or early August 2024, NE#1 received permission for the Complainant to work as an acting sergeant from their Watch Commander (Lieutenant) and Precinct Commander (Captain). Around this same time, NE#1 invited the Complainant to her house for a party or get-together. The Complainant did not attend.

The Complainant was on vacation during some of August 2024. On August 5, 2024, the Complainant worked an extra shift during his vacation. According to the Complainant, he told NE#1 during that shift that "we need to put a stop on this, you know, my wife is getting very upset." NE#1's recollection of this event differs; she characterizes it as her telling him they could only be friends.

On September 10, 2024, the Complainant came to work. A permanent acting sergeant asked him to work as an acting sergeant for the day. The Complainant contacted NE#1 for her to change his pay rate for the day to reflect the acting sergeant rate and to get him access to timekeeping and report approval. NE#1 did not do this and emailed the Watch Commander and all sergeants and acting sergeants on their watch. The email read: "I already have a meeting set with [current Watch Commander] in which I'll be discussing [Complainant] being able to be an acting Sgt. this wasn't finalized prior to [former Watch Commander] leaving for various reasons. Please do not ask him to act at this time."

1. Case Timelines

The timelines of the OPA cases² involving the Complainant and NE#1 are as follows:

- 2024OPA-0363 (this case): On September 11, 2024, the Complainant reported that NE#1 was retaliating against him by not allowing him to work as an Acting Sergeant.³ NE#1 received her Classification Notice on October 11, 2024.
- 2024OPA-0405: On October 15, 2024, NE#1 alleged the Complainant physically assaulted her on August 5, 2024, by putting his hand over her mouth to prevent her from speaking to another sergeant. The Complainant received his Classification Notice on February 27, 2025. This investigation is ongoing.
- 2024OPA-0410: On October 22, 2024, NE#1 alleged the Complainant, (1) was insubordinate by attempting to work as an Acting Sergeant when she had told him he could not, (2) retaliated against her by filing a complaint against her before she could report him for insubordination, sent her sexually harassing texts on August 29, 2024, and the physical assault, (3) was dishonest by filing a complaint alleging she retaliated against him by not letting him work as an acting sergeant, and (4) discriminated against her due to her gender. NE#1 also

¹ Sworn employees are promoted to the supervisory rank of sergeant through a competitive civil service process. A person at this rank is sometimes referred to as a "full" sergeant, permanent rank sergeant, or "hard stripe" sergeant. When necessary, police officers who have not been promoted to sergeant may be assigned as "acting" sergeants. See SPD Manual 1.020-POL-4 (Employees may delegate duties to their subordinates). If the assignment to "acting sergeant" will be "over 60 consecutive days," this is considered a "permanent acting sergeant," and the relevant captain must send the officer in the acting sergeant capacity to sergeant training. See SPD Policy 1.020-POL-6 (Officers assigned as Acting Sergeant receive training). However, an officer may be assigned as an "acting" sergeant for shorter terms, including on a shift-by-shift basis.

² SPD's EEO Office and the City of Seattle Human Resources are also investigating other aspects of the allegations between the Complainant and NE#1 that are within their respective jurisdictions.

³ The Complainant's union gave this information to the Complainant's Watch Commander on September 10, 2024.



alleged a Lieutenant refused to let her report these violations on September 13, 2024. The Complainant received his EEO Classification Notice on November 4, 2024, and OPA Classification Notice on November 15, 2024. This investigation is ongoing.

- 2024OPA-0437: On November 10, 2024, the Complainant alleged NE#1's allegations in 2024OPA-0405 and 0410 were retaliation against him. NE#1 received her Classification Notice on December 11, 2024. This investigation is ongoing.
- 2025OPA-0046: On February 7, 2025, OPA alleged NE#1 was not truthful or complete and failed to fully cooperate during her January 14, 2025, OPA interview in 2024OPA-0363 when she denied sending sexual text messages to the Complainant. NE#1 received her Classification Notice on February 13, 2025. This investigation is ongoing.
- 2025OPA-0147: On April 23, 2025, a complaint was filed that remains in the intake phase. No Classification Notice has been sent. The details of this complaint are not specified in this DCM to maintain the integrity of this investigation.

2. Complainant's EEO Interview (September 20, 2024)

The Complainant was interviewed on September 20, 2024, as part of the associated EEO investigation into his complaint.

The Complainant described NE#1 taking over supervision for his squad in April 2024. He said he found it "unusual" that NE#1 started texting a lot of group messages to the squad. The Complainant described NE#1 beginning to text him "more and more," between their personal phones, but he described these messages as initially innocuous. The Complainant stated NE#1 sometimes texted him as many as ten times per day, including when he was not working and at three or four in the morning.

The Complainant noted a change when he was out of state with his family in early July 2024. The Complainant described NE#1 as texting him to the point it caused concern for his wife, especially messages telling him she could not "take this anymore" and asking him to return. The Complainant described telling his wife, "It's nothing bad. I rather she be friendly than be against me, so let me just manage this here as best I can." The Complainant also described an instance where he felt NE#1 was asking him to come sit with her at the Veterinarian's office on his day off. Despite his wife's discomfort with these messages, the Complainant stated he tried to "manage" the situation "from a distance" to remain civil and avoid problems.

The Complainant described things getting "kind of out of control" when the two were alone at coffee on July 28, 2024. The Complainant noted it was not unusual to meet other officers as a group for coffee, including sergeants and command staff. But, the Complainant stated that, on this day, he and NE#1 were alone. According to the Complainant, NE#1 began asking him "bizarre" questions about his immigration status and whether he had tattoos. Then, the Complainant said, NE#1 admitted she cheated on her husband and described the details of one such encounter. The Complainant described himself "sitting there" and not knowing what to do. The Complainant said NE#1 continued by describing the state of her sexual relationship with her husband, and that she was "looking for some. She was always available." The Complainant said NE#1 then asked about the state of his sexual relationship with his wife, among other personal questions.

The Complainant noted other comments NE#1 made to him, either in person or over text message. The Complainant said NE#1 told him his voice made her "wet," asking him to say "spicy things" to him, and texting him things to the



effect of “I wish I could have given you orders off duty. My first order would be get down on my knee – your knees, or I would tie up your hands in a bed and sit on your face.” The Complainant described continuing to “play along” with NE#1 for about two or three weeks, telling her he missed her and that he wanted to “do this.”

During this timeframe, the Complainant expressed his desire to start working as an acting sergeant. He said this was approved by both their Watch Commander and Precinct Captain. He said NE#1 was supposed to train him, but that she would only train him for “like, two minutes” before turning the conversation to gossip and whether he was having sex with his wife.

The Complainant stated that NE#1 had a party at her house in early August 2024 while her husband was away. The Complainant said NE#1 invited him over noting, “this is our chance.” The Complainant acknowledged responding to the effect of, “I want to go there so bad,” but feeling internally conflicted thinking, “how am I going to get out of this? I don’t want to go there.” The Complainant described fearing NE#1’s temper and tendency to “flip,” so he continued to “play along.” The Complainant said NE#1 discussed having “swinger friends” at the party and that they were “talking about shaving.”

The Complainant described NE#1 also making fun of him in front of other people. He stated that, when he asked her to stop “throwing me under the bus,” she would respond with messages like, “I’ll throw you in my bed. . . You don’t know what I’m going to do to you.”

The Complainant stated that, after several weeks, the stress of the situation affected him to the point where he could not eat or sleep, which his wife noticed. He described needing to take more vacation and sick time. The Complainant stated he showed his wife the messages and tried to find a way to get NE#1 to stop. He described NE#1 rebuffing one of these efforts by telling him to “spit out” the “Kool-Aid.” He said he resolved to tell NE#1 to stop on August 5, 2024. He said he was scheduled for vacation that day but decided to go into work to tell NE#1, “we need to stop it.” The Complainant described knowing, “the minute I draw that line it would be bad for me.” The Complainant elaborated: “I even was expecting, like, her to make, like, complaints, you know allegation, things like that. But I was like, so, it is what it is.”

The Complainant said he went into work on August 5, 2024, expecting to be assigned to a “proactive” car, that was not primarily answering calls for service. Instead, the Complainant was assigned a regular sector. The Complainant described NE#1 “blaming all the sergeants” for him not being assigned to the proactive car and then having him sign his performance review in front of others. He said he asked her to stop embarrassing him in front of others. The Complainant stated he decided to go outside and talk to her there. He said she was texting him, “This is silly. This is stupid.” He said she was trying to force him to go get coffee, texting, “You’re the glue here. The lieutenant, everybody’s going to know. . . . You got to stop doing this here because everybody’s going to notice that you are upset and they’re going to ask questions.” According to the Complainant, after the NE#1 finished coffee, he asked her to meet, and she responded, “No, because you’re going to break up with me.” He said she came out to meet him looking “angry,” and he told her “listen, we need to stop this here. You’re my sergeant. I’m you’re—I’m just an officer over here. And we need to stop.” The Complainant described NE#1’s reaction as “abnormal,” including “crying, like, gasping for air,” to the point he was concerned. The Complainant described trying to comfort NE#1, telling her he was not “going to go anywhere,” and this was “fine.”

The Complainant described trying to “create distance” from NE#1, but she continued to text him. The Complainant said NE#1 used his desire to get motorcycle training to get him to continue communicating with her. He described



feeling “trapped,” and NE#1 repeatedly pushed to ensure they were “good.” He recalled telling her they were “fine.” He said he continued to try to avoid her and create distance. He said she texted him to the effect of “Sorry about everything. I really miss you.” He said he did not reply to her. The Complainant said, at their next shift, NE#1 asked to speak with him outside after roll call. He described her as “crying” and telling him, “Just so you know, we’re done. No more. This is all going to be work related. But just so you know, you’re done over here.”

After that conversation, the Complainant described NE#1’s treatment towards him as changed. He stated he used to be this “great guy,” but she began making comments that disparaged his immigration status and age. He described one event where she told him she could “stop” him getting overtime because he was “too old to work overtime.” He said a comment concerning him being “too old” to work overtime was witnessed by another sergeant, Witness Employee #2 (WE#2). The Complainant said he began to see his opportunities to work as an acting sergeant getting “smaller and smaller.”

Then, the Complainant described NE#1 as coming to work “all calm,” and beginning to text him again, including about issues between her and her husband. The Complainant said he felt like, “Oh, my God. This is all over again.” He said she complained about a problem she had with her husband, so he texted her to ask if everything was alright between her and her husband, which she affirmed.

The Complainant said that on Sunday, September 8, 2024, he went home and was “celebrating” with his wife that things with NE#1 seemed to have no “animosity.” Then, NE#1 texted him “enjoy your … day off tomorrow.” The Complainant said he did not reply, which caused NE#1 to text him again, “So you off tomorrow, right?” He said this was typical of NE#1, who would escalate if her text messages were not responded to. He also found the questions unusual as NE#1 entered his time on his timesheet. He said he did not respond to this second message either. He said she then texted him multiple times around four in the morning on his day off. He said this “stressed” him out, so he called her. She then said the point of the call was just to confirm he was working overtime on Tuesday, September 10. After they sorted out his time for September 10, he said he texted her, “thank you for entering my time,” to which she responded, “no worries.”

The Complainant said that when he went into work on September 10, he was told by a permanent acting sergeant that he would also be working as an acting sergeant. He said he was not aware of this until September 10. The Complainant said NE#1 was the only one who could enter his time in the system,⁴ so he asked to give her a call. He said he told her he needed her to change his timecode in the system for that day because he was working as an acting sergeant. He described NE#1 as expressing confusion over this, and he told her they were handling sending all the emails to get him access to the necessary systems. He recalled her telling him that he was not supposed to serve as an acting sergeant without a full sergeant present. He said he responded that it was the lieutenant’s decision.

The Complainant said he hung up the phone but felt NE#1 was “really angry.” He said within “two minutes” she texted him that he was not supposed to be an acting sergeant without a full sergeant present and that she would have a meeting with the lieutenant to that effect. The Complainant said there was nothing in policy that required this, nor did this comport with his experience in his eight years of service with SPD. He said NE#1 sent an email telling the lieutenant and sergeants that the Complainant could not be an acting sergeant for “various reasons,” which no one could understand. The Complainant also said this was completely against different text messages and approvals at the

⁴ Complicating things during this time, SPD was switching its payroll systems. Those interviewed in this case and related cases discussed the confusion surrounding these administrative issues during this time.



lieutenant and captain levels allowing him to work as an acting sergeant. The Complainant said he met with his Watch Commander the next day to discuss his concerns, which initiated the EEO and, later, OPA complaints.

3. Text Messages Provided by Complainant

The Complainant provided SPD EEO at least twenty-one screenshots of text messages he stated were between himself and NE#1. SPD's EEO Investigator reviewed these on the Complainant's phone and discussed these during their September 20, 2024, interview for 2024EEO-0039. In their discussion, the Complainant acknowledged that he deleted some messages at NE#1's request. In various OPA and EEO interviews, NE#1 questioned the authenticity of some messages, claiming messages could be deleted or inserted.⁵ The Complainant acknowledged in an interview that messages could be deleted, but denied he was able to "insert" a message into an existing thread.⁶ The following references the messages as they were putatively sent and received between the Complainant (Blue Bubbles, on right) and NE#1 (Gray Bubbles, on left).

All undated exchange texts exchanges between NE#1 and the Complainant were made between April 2024 through September 10, 2024:⁷

- An undated picture of a beer on a bar.
- An undated exchange where the Complainant texted a picture of food, NE#1 responded "You're amazing! Looks so good." The Complainant replied, "You are sooooo amazing. A super woman." NE#1 responded, "Haha. [emoji] nope, just a regular girl. Nothing to see here." The Complainant replied, "You are so good." NE#1 responded, "Nite nite can't wait to see your face sometime soon. Sweet sleep."
- An undated exchange where NE#1 and the Complainant discuss motorcycles. NE#1 stated she liked the "slope from front to rear" of the Complainant's motorcycle, noting "A good height for other things too [emoji]." NE#1 stated she, "wanted to run my fingers over your paint...but it's rude not to ask first." NE#1 also asked the Complainant to ride in with her when she bought a new motorcycle.
- In an undated exchange, the two discuss the price of a children's activity, then NE#1 made a comment about names, concluding, "You have to hear me say your beautiful name with my horrible American accent [emoji]."
 - Based on an overlapping photograph, this undated text chain continued with NE#1 saying "You're so smart!!!!" and "I want to see your face." NE#1 also said, "Ok so capt [Precinct Captain] has to approve you acting so he's emailing her."

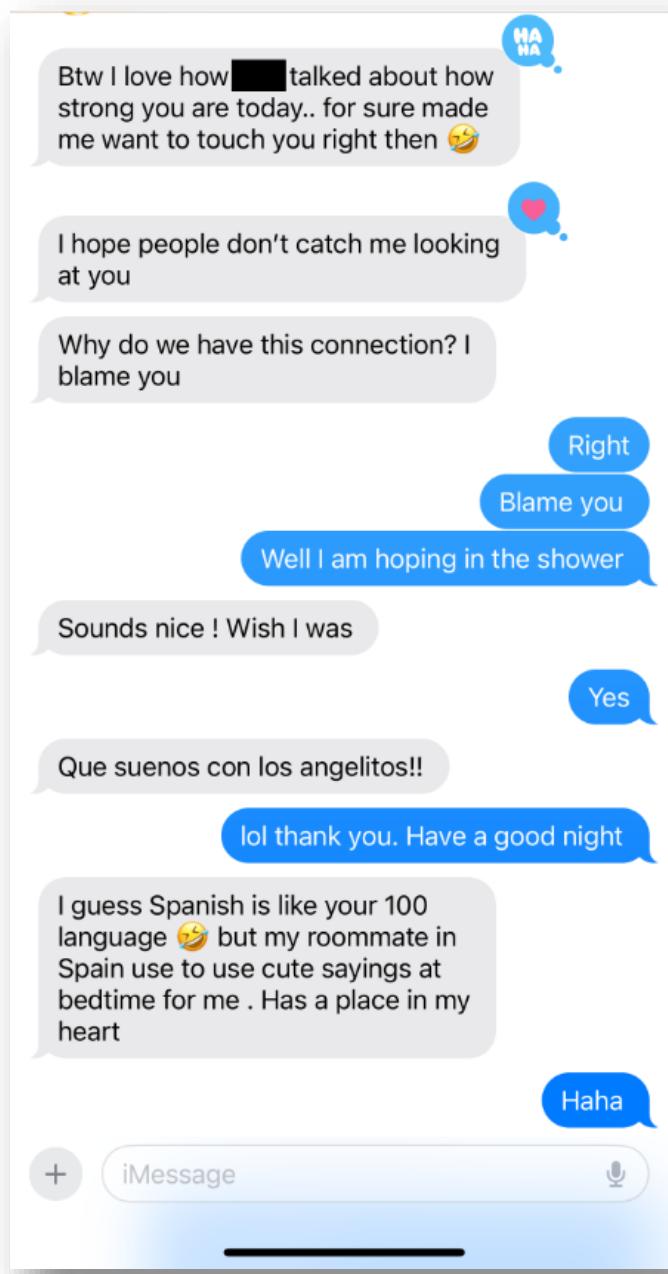
⁵ Almost all the text messages between NE#1 and the Complainant appear with the phone owner's messages appearing in blue bubbles and the other phone user's messages appearing in gray bubbles. This indicates these messages were between two iPhone users using end-to-end encrypted iMessages. These messages are transmitted through the internet (using Wi-Fi or Data) and do not appear on the account-holder's phone bill. The exception is if there is a problem transmitting over iMessage, the system can default to standard SMS text messages. See S. Patwagar, TECHBOUT, Do iMessages Show Up on the Phone Bill? (Mar. 16, 2024), available at <https://www.techbout.com/do-imessages-show-on-phone-bill-96668/>.

⁶ Apple support suggests that messages may be unsent within a two-minute window or edited within a fifteen-minute window. iPhone User Guide, Unsend and edit messages on iPhone, available at <https://support.apple.com/guide/iphone/unsend-and-edit-messages-iphe6719563/ios>. Relatedly, messages can be deleted "without affecting what your recipients see." iPhone User Guide, Delete messages and attachment in Messages on iPhone, available at <https://support.apple.com/guide/iphone/delete-messages-and-attachments-iph2c9c4bfcb/ios>. Apple support's iPhone Use Guide does not appear to reference any way to insert messages into an existing chain.

⁷ These text messages were provided by the Complainant when he provided them to EEO on or about September 20, 2024.



- In an undated exchange, NE#1 sent an Instagram reel with the comment “Omg!!!! This is us.” The Complainant responded, “Yessssss.” NE#1 replied with another Instagram reel with a cover screen reading “Trying to distract myself from the fact that I’m literally obsessed with someone I’m not in a relationship with.”
- In an undated exchange, NE#1 said to the Complainant, “You realize you are a high quality man, right?” She continued, “There are a lot of women who would want to be with you.” The Complainant responded about his neighbors being loud. NE#1 replied with crying laughing emojis, saying “Don’t run out in your underwear this time.” She continued, “Or at least wait so I can see.” The Complainant reacted to both of those messages with “HAHA” reactions.
- In an undated exchange, the two wrote:



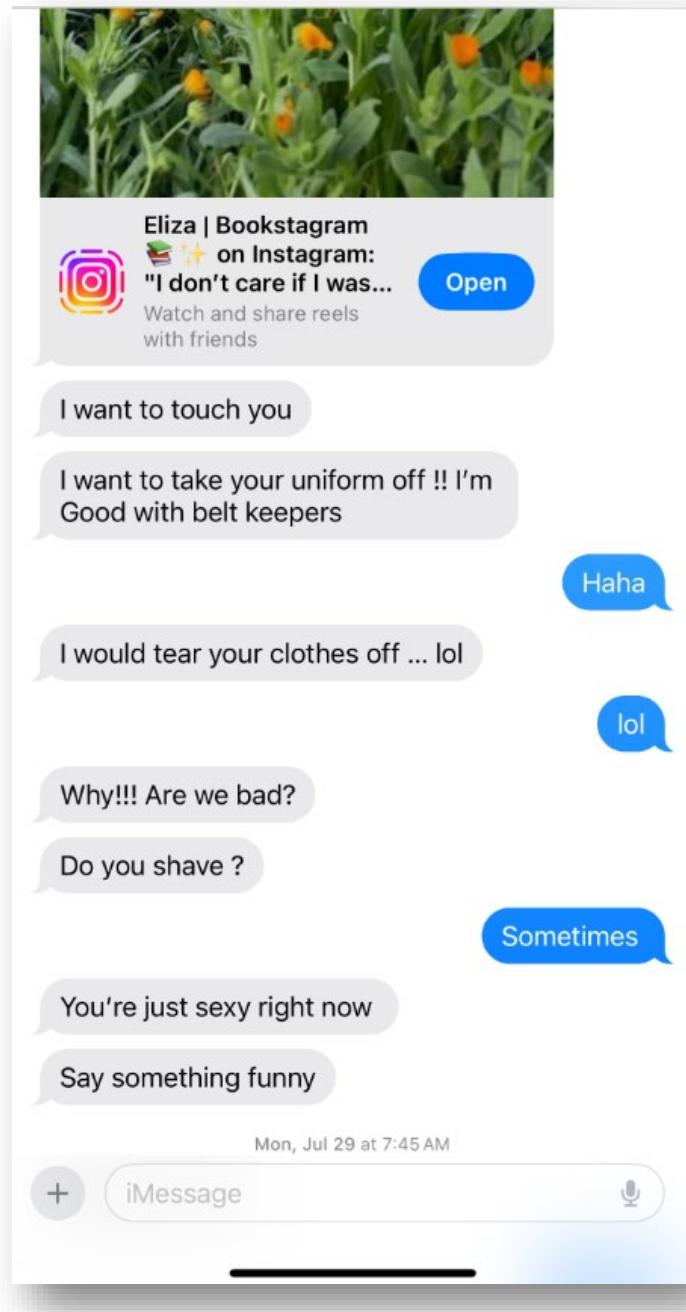


- In an exchange on July 29, 2024, at 4:03 am, the two engaged in the following exchange:



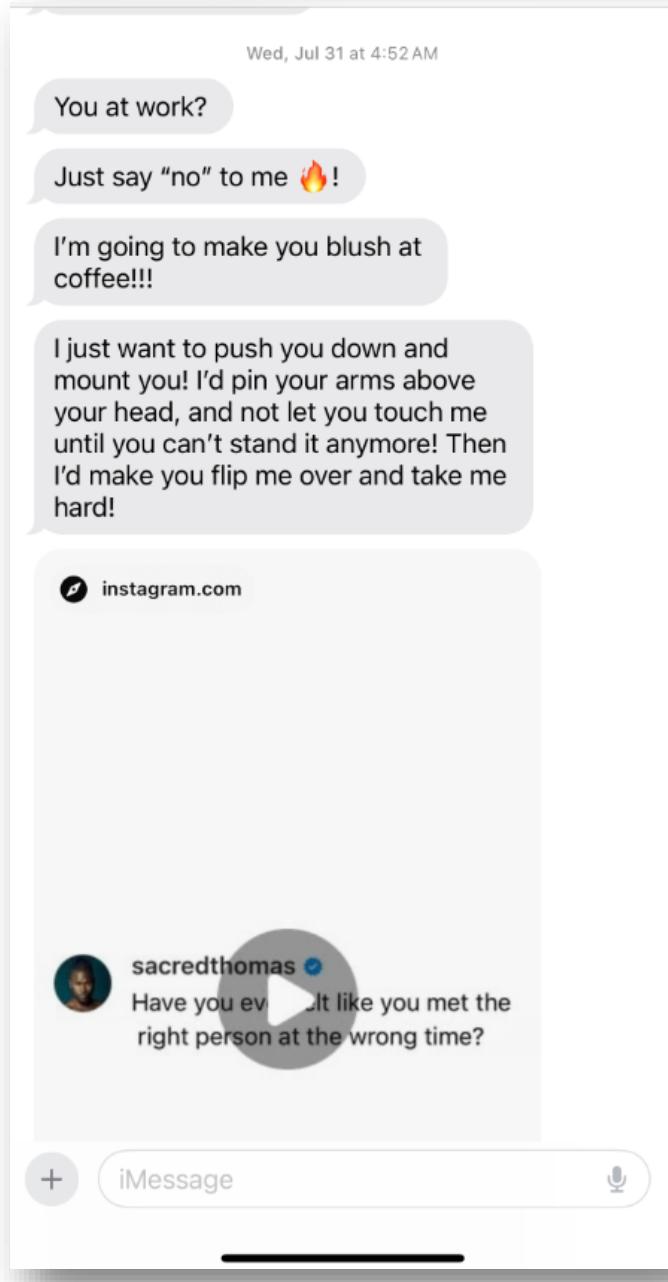


- This exchange continued:





- On July 31, 2024, at 4:52 am, NE#1 sent the following:



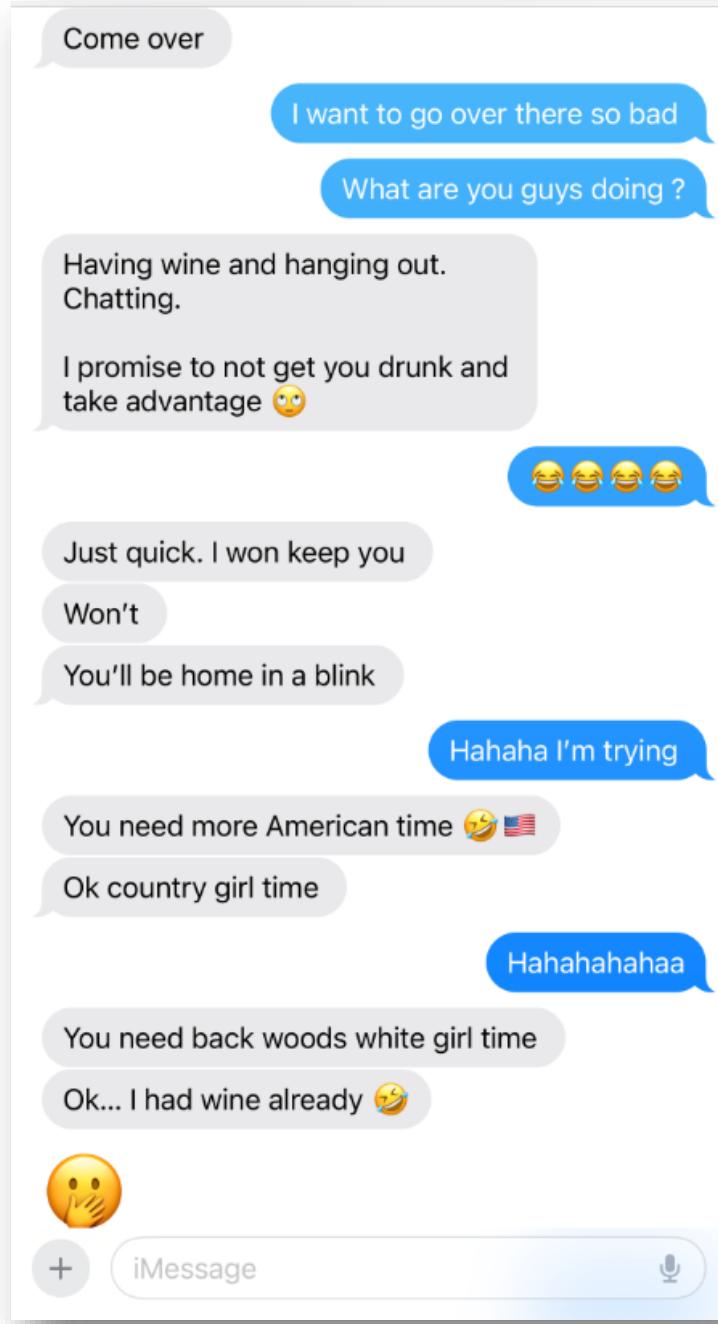
- In an undated exchange immediately before 8:42 am, July 31, 2024, the two were texting, and NE#1 sent an Instagram reel with the visible partial title, "Relationship Healing." NE#1 also wrote, "Do you believe that in life sometimes you don't get to choose who you connect with? It's just like you wake up on moment in time and see that person different?" The Complainant responded "Yes" and "9 working tomorrow and just you sgt."



- In an undated exchange immediately before 2:50 am, August 1, 2024, the two were texting, NE#1 asked “Are you ever home alone?” The Complainant responded, “Nop [sic].” NE#1 replied “Nite nite” and “Get good sleep, We have work to do tomorrow A/Sgt [Complainant].”
- August 1, 2024: NE#1 texted the Complainant at 2:50 am, “You awake” and “I left a bit early. Couldn’t sleep.” The Complainant responded he was “Getting ready” and “Omg.” At about 4:09 am, the two exchanged laughing and facepalm emojis, the Complainant discussed a “side” being terrible and noting that they “complain about everything.” NE#1 sent three laughing emojis and then wrote, “Ugh why do I want to be next to you and touch you?”
- In an undated exchange—presumably the night of the party hosted by NE#1—NE#1 sent a picture of her sibling saying, “My [sibling]! Would love you.” NE#1 told the Complainant “Omg you’re killing me.” The Complainant responded, “lol.” NE#1 replied, “I’m a bad influencer.” The Complainant responded, “Haha.” NE#1 wrote, “This is a rare opportunity.” The Complainant responded with the crying laughing emoji.

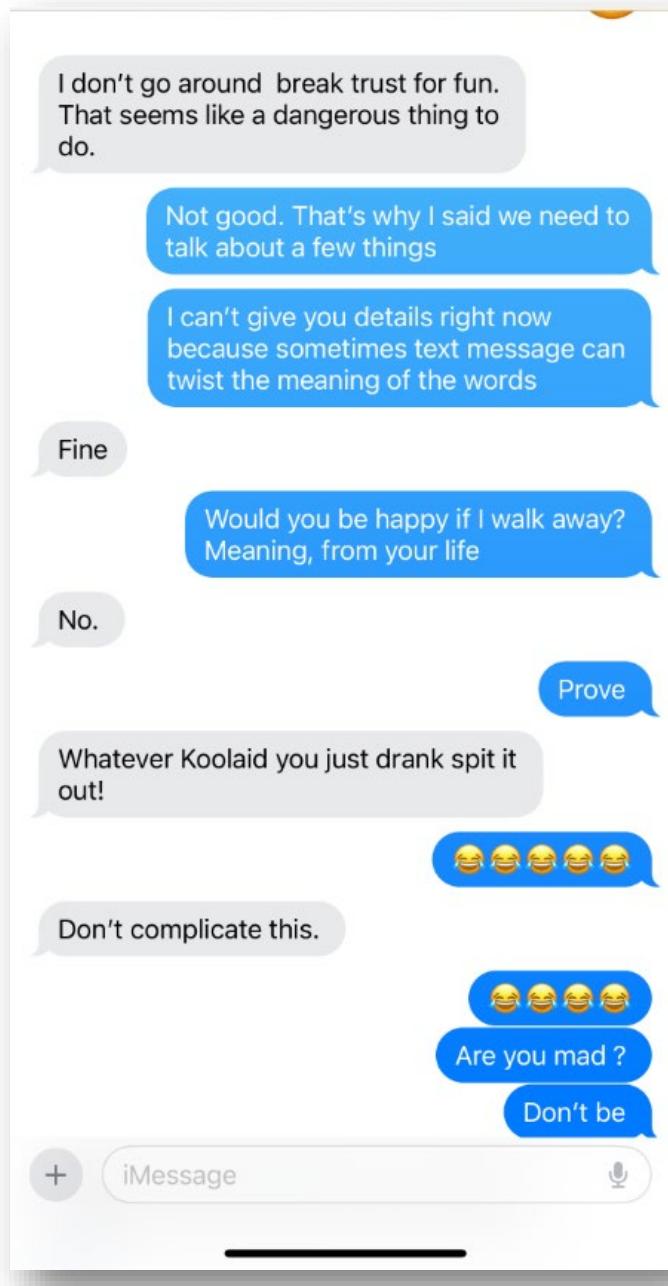


- Based on context, this thread continued in another undated screenshot with the following:





- In an undated message, the two engaged in the following exchange. Based on the Complainant's interview, this text message exchange would have most likely occurred in late July or early August 2024, sometime before August 5, 2024.



- In an undated message immediately before 4:35 pm, August 4, 2024, the Complainant asked "Can you talk ?" NE#1 said she could. Later, NE#1 said the Complainant and NE#1's husband should "go for a ride." Later, at 4:35 pm, August 4, 2024, NE#1 arranged logistics with the Complainant, saying she told her husband, "I'm loaning you to him today but you're mine." She continued, "Plus I was hoping to see your face [emoji]."



- August 12, 2024: NE#1 texted the Complainant at 4:14 am, "Coffee with LT? 0430" and "How are you feeling." The Complainant responded, "Much better. You." NE#1 replied, "Sorry good." And "Come hangout with me. I'm at coffee in the parking lot." The Complainant said, "K."
- August 17, 2024: NE#1 texted the Complainant at 5:18 pm, "Hey you ok? You seemed upset during the shift?" About two hours later, the Complainant responded, "Sorry I was riding my bike. I'm ok. Not upset. You ok?" NE#1 replied, "Ok. Good. Was worried you were having a rough day."

4. Named Employee #1's Email Complaint for 2024OPA-0410

NE#1 emailed her complaint in 2024OPA-0410 to both the SPD EEO office and OPA on October 22, 2024.

NE#1 provided her perspective on the September 10, 2024, incident where the Complainant asked her to change his timesheet to work as an acting sergeant. She stated that the Complainant told her a full sergeant and permanent acting sergeant asked him to be an acting sergeant "last week" and that, instead of informing her, the Complainant first told her on September 10, the day of. She wrote, "I told him he was not supposed to be acting and he knew that." She characterized this as insubordination, stating the Complainant did not say anything and the conversation ended abruptly. She attached the following text message exchange—putatively from September 10—to her email. In it, she appears in Blue Bubbles to the right, the Complainant in Gray Bubbles to the left.



NE#1 stated the Complainant called her again, but she did not pick up because she did not want him to “argue” with her order, which she stated he had done on August 5, 2024, when she issued her “original order that he would not be acting.”⁸ She said she then sent an email to the Watch Commander and all sergeants in her precinct informing them that the Complainant could not serve as an acting sergeant.

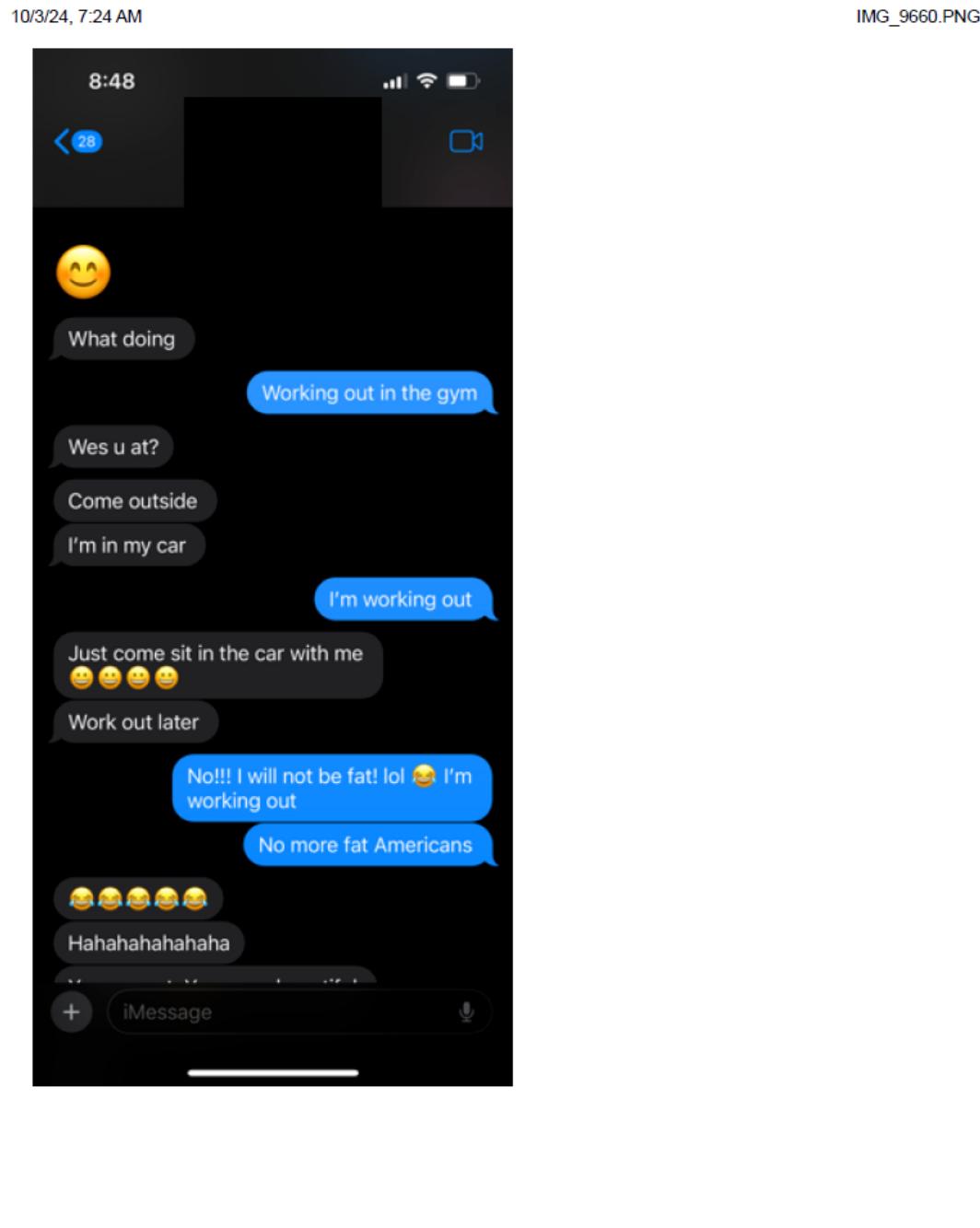
NE#1 also wrote that at this point the Complainant, “knew he was in subordinate [sic]” and that she would report him for that as well as a “sexual harassment and an assault,” as well as the “sexual harassment via text message that occurred on August 29th,” when she met with the Watch Commander later. She alleged the Complainant made a formal complaint against her to file before she did. NE#1 alleged she tried to report these issues to the Watch Commander on Friday, September 13 (which she called “my Monday,” presumably her first day back). She alleged the Watch Commander refused to take her report.⁹ She stated the Watch Commander allowed the Complainant to serve in an acting capacity.

⁸ NE#1 sent screenshots of her phone’s call logs of the two calls on September 10, 2024. The occurrence of the calls is not disputed.

⁹ The Watch Commander’s alleged refusal to take her report is one of the subjects under investigation in 2024OPA-0410.



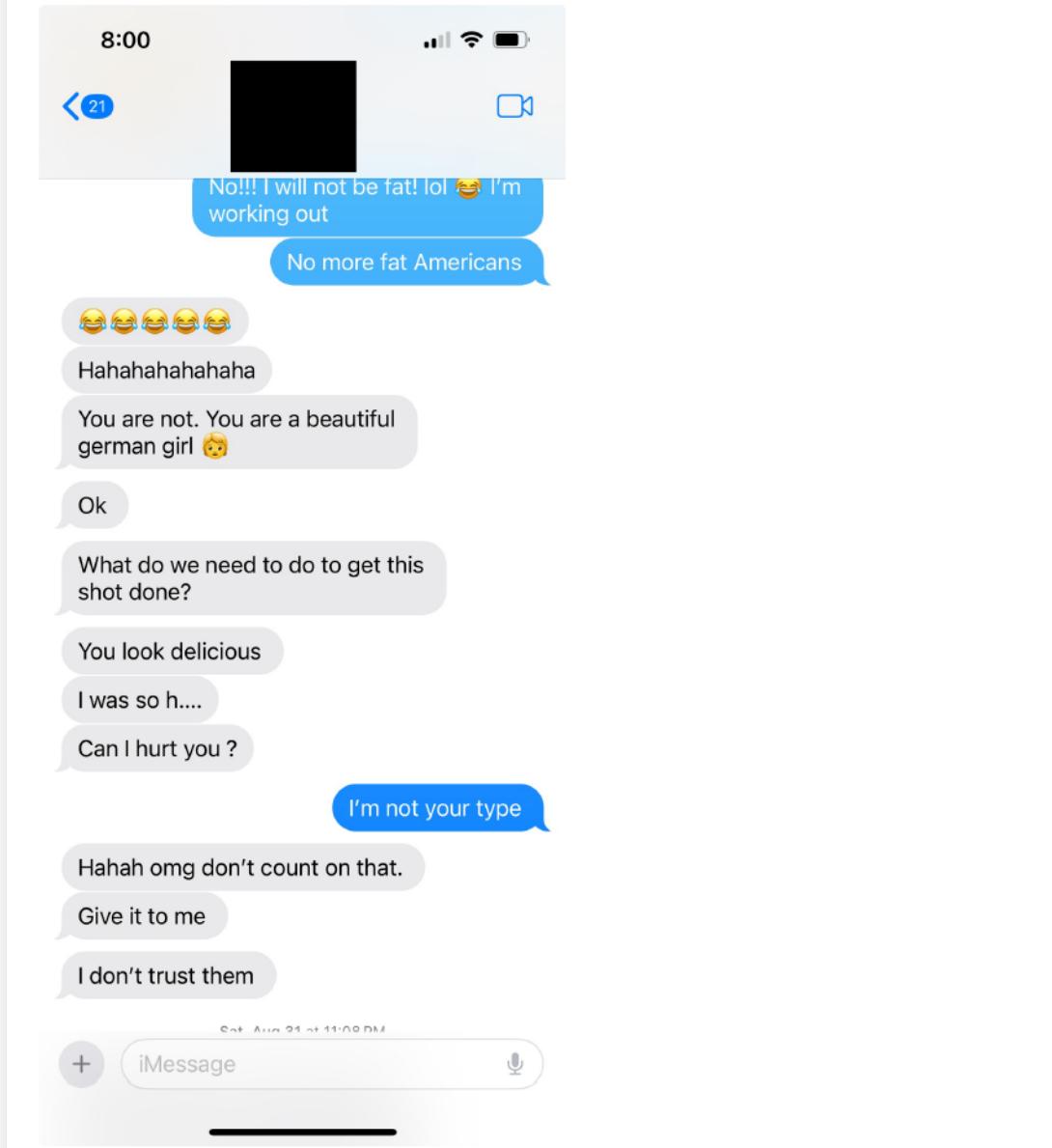
NE#1 also alleged the Complainant was dishonest by saying he turned down her sexual advances. To the contrary, she alleged he “sexually propositioned” her and she “turned him down.” She attached the following message chain, stating the same was submitted to a Court under penalty of perjury to obtain a court order. Again, her messages appear on the right in Blue Bubbles, the Complainant appears on the left in Gray Bubbles. OPA applied redactions to protect anonymity and irrelevant personal information. The screenshots attached by NE#1 all had the date “10/3/2024” in the top left corner, indicating the screenshot was captured at least as early as that date:





10/3/24, 8:01 AM

Screenshot 2024-10-03 at 8.00.11 AM.jpeg





for the Complainant to serve as an acting sergeant from the former Watch Commander and Precinct Captain. NE#1 said they had “conditions” set up for him to get permissions to approve others’ timesheets and showing him how to use that system. She described confusion due to the new timekeeping system. She stated getting him permission to “approve reports” was “in the works,” so their plan was for the Complainant on to serve as an acting sergeant on “heavy days” when there was already “multiple hard bars” there.¹⁰ NE#1 stated this was the plan she “had come up with” for the Complainant to be trained, but she acknowledged this was “never confirmed with [a] lieutenant,” as their former Watch Commander left and another one started during this period. She stated she worked on training him a “couple times” in the office, characterizing it on training on entering time in the old payroll system, which was interrupted by the new payroll system. She stated there was “no time” to discuss this plan with a lieutenant. She stated the Complainant had not received permissions to approve reports in Mark43, SPD’s case management software.

NE#1 acknowledges having a personal relationship with the Complainant, which she characterized as a “friendship.” She was asked: “Did you send messages of a sexual nature to [the Complainant].” She responded, “No.” When asked about the message that she wanted to pin the Complainant down, and make him “flip” her over and “take” her “hard,” NE#1 responded:

OPA: Did you send messages of a sexual nature to [the Complainant]?

NE#1: No.

OPA: You didn’t send [the Complainant] messages that you wanted to pin him down or make him flip you over and take you hard?

NE#1: I saw those messages and I cannot prove that though--that I sent those like I do not have those phone records that show that. I went back and tried to check. I’ve seen those messages because you supplied them to the court, but I can’t say that I sent those messages.

OPA: Did you send the messages? Yes or No?

NE#1: I don’t know. Not those messages.

OPA: So you did not send those messages about...

NE#1: I invited him to a party at my, at a house, at my house, but I did not send him messages about flipping him over.

OPA: Okay.

NE#1 denied discussing sexual matters with the Complainant on duty.

¹⁰ NE#1 repeatedly referred to permanent rank sergeants as “hard bars” instead of “hard stripe.” Generally, a hard “bar” refers to a permanent rank lieutenant or captain, whose rank insignia is signified by “bars.” A sergeant’s insignia is chevron “stripes.”



NE#1 denied that her personal relationship affected her training of the Complainant as an acting sergeant. She also denied that her personal relationship affected her decision to forbid the Complainant from serving as an acting sergeant without a permanent rank sergeant present. NE#1 said she made this decision because the Complainant "needed to be trained" and "we had agreed that he would work with hard bar sergeants." When asked what the Complainant needed to be trained on, NE#1 responded, "uses of force and stuff like that." NE#1 also stated the Complainant did not have approval for time entry or approving reports. OPA asked NE#1 why those things should prevent the Complainant from serving as an acting sergeant. She responded, "I would say it just limits liability, like you don't want to have somebody out there who doesn't have that experience to be out there and actually do the job, or with somebody who's doing the job, who can teach him how to do it."

OPA questioned NE#1 on the restrictions she placed on the Complainant, despite the fact he had been approved to be an acting sergeant. NE#1 stated the Complainant was "absolutely aware" that he was meant to only work as an acting with a permanent rank sergeant present. NE#1 noted the Complainant told her he had not passed the sergeant's exam. OPA questioned NE#1 on whether she could restrict the Complainant's actions when she was not present. She responded she thought she could "in some respects" because she was his "direct supervisor." NE#1 acknowledged that officers were permitted to work as acting sergeants without having attended sergeant school. NE#1 also acknowledged that the Complainant could have worked as an acting sergeant, then called for a permanent rank sergeant if a use of force occurred. When asked why this would not be acceptable, NE#1 stated: "Well, because somebody has to maintain a certain level of control and understanding at the initial scene when you get there, sometimes this stuff is dynamic. Would you want somebody who doesn't have a complete understanding of how to control the scene and have to call for somebody after the fact? I mean, it feels like it's just liability to allow somebody to do that."

OPA questioned NE#1 about who would have overseen the squad if the Complainant were not the acting sergeant. NE#1 responded that the permanent acting sergeant would be in charge of the squad. OPA noted that the permanent acting sergeant was the individual who asked the Complainant to serve as the squad acting sergeant that day. OPA asked if NE#1 felt this decision was wrong. She responded:

I just say that it opens the department up to liability because you're, you have an acting person who's only been acting for a couple months asking somebody who has limited acting experience at all to come and supervise a whole watch, the two of them it seems interesting, it seems dangerous.

NE#1 questioned the permanent acting sergeant's decision not to call a permanent rank sergeant for that day.

NE#1 reiterated that she and the Complainant agreed he would only act as a sergeant if a permanent rank sergeant was present. OPA asked NE#1 if there was any discussion of this when the former Watch Commander and Precinct Captain approved the Complainant to serve as acting sergeant. NE#1 replied, "No," elaborating that "we were gonna have more meetings" with the former Watch Commander, but these kept getting "put on the back burner."

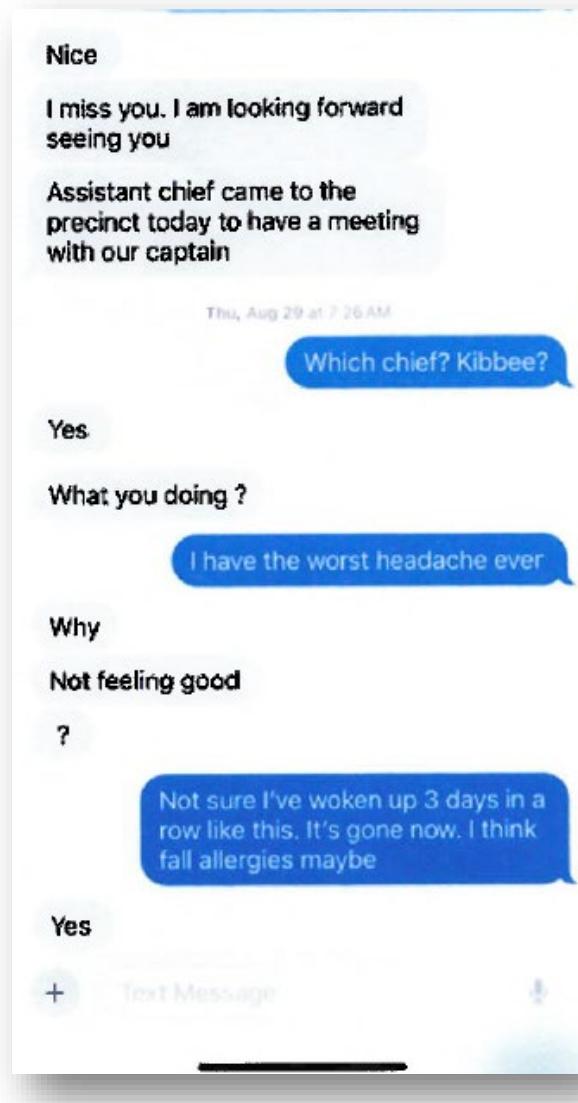
NE#1 then provided OPA with a series of text message screenshots beginning around September 1, 2024. These are discussed in detail below. NE#1 stated she could not provide any prior messages because hers "only go back two and a half months," and she could not go back any further. NE#1 said she rebuffed the Complainant, noting, "We had a friendship, and I turned him down multiple times. All of those are basic messages people send each other."

6. Text Messages Provided by Named Employee #1



NE#1 provided OPA with thirty-four pages of text message screenshots at her January 14, 2025, interview. Two of these were repeats of the ones in her October 22, 2024, email that had the October 3, 2024, screenshot date in the top left corner.

The remaining thirty-two pages of captures appeared to run from immediately before 7:26 am, on August 29, 2024, through September 10, 2024, around 10:40 am. These thirty-two pages all appeared to have been captured on October 30, 2024, around 9:44 am based on the date/time stamp in the top left corner of the page. NE#1's messages appear in Blue Bubbles on the right, the Complainant's as Gray Bubbles on the left. They began:



After this, the two discussed real estate issues, their health, relatives, how their respective days went, and schedules. They appeared to engage the conversation more or less equally.



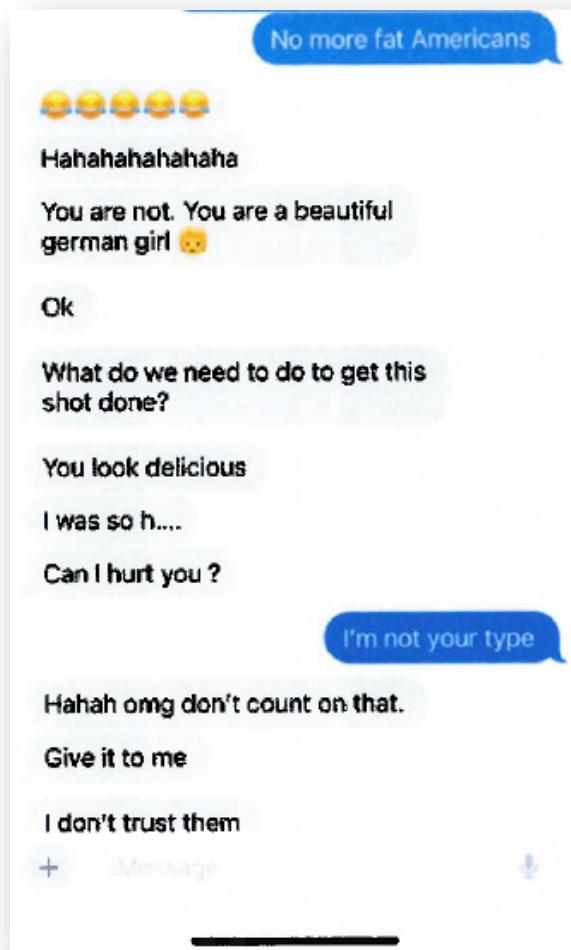
On August 31, 2024, the two engaged in a brief back and forth about getting coffee. NE#1 was inviting the Complainant to coffee. The Complainant noted he would ask another officer and, later, indicated that other officer wanted to go to a different coffee shop. NE#1 wrote, "No. Come here I have the LT. Don't leave me hanging." The Complainant indicated he would ask the other officer again and, later, texted that the other officer had personal reasons for not wanting to go. NE#1 wrote, "Please come. We are here waiting." The Complainant responded, "Ok." Later, NE#1 sent the following emoji:



The two then continued to text, as it appeared the Complainant did not join NE#1 and others for coffee, opting instead to stay with the other officer.



On August 31, 2024, around 12:17 pm, the two had the text message exchange NE#1 included in her October 22, 2024, email, wherein the two texted:



The two continued their conversation, again in mostly equal measure, about various subjects including yard work and motorcycles. On September 2, 2024, NE#1 invited the Complainant to coffee, which he agreed to. A short time later, NE#1 texted, "You ditched me." The Complainant again stated he was with the other officer who, "Refuses to go to coffee over there. I don't know why." NE#1 responded, "I'm not second to [the other officer]!" The Complainant replied, "You are never second, You are my number one." The Complainant then offered to "meet up," but NE#1 indicated she was "Still at coffee."

On September 2, 2024, around 8:59 am, the two engaged in a discussion about eating, precinct staffing, and family. NE#1 indicated she was sitting at her desk. The Complainant asked, "Where are you" then "I sent one." NE#1 stated she was at her desk, with a frowning emoji, then replied, "Reading it now."¹¹ The Complainant then said, "Let's go home and jump in the bath." NE#1 responded with a crying laughing emoji. The Complainant then texted NE#1 a series

¹¹ Neither specified what they were discussing or what the Complainant sent.



of texts suggesting they speak on the phone, saying “hi” three times in a row, referencing his hot bath, and asking NE#1 to talk. NE#1 responded about five hours later indicating she just woke up.

The two discussed subjects like fall, pumpkin patches, how they slept, and the expense of registering vehicles. They engaged each other in about equal amounts.

Around September 3, 2025, at about 5:22 am, the Complainant told NE#1, “Omg I was thinking of you.” About two hours later the two resumed their conversation. The Complainant asked NE#1, “What you doing.” She responded with a picture apparently of her bed, and the comment “Brainstorming ideas to redo my room [emoji].” The Complainant asked “What are you wearing?” NE#1 responded, “Sweats” then stated the “back yard workers” were there. The two continued to discuss yard work. Later that same day, NE#1 wrote, “Between us I’m super fucking pissed off.” She then discussed her anger at her husband. NE#1 stated, “I feel like he lied to me,” noting she did not want to confide in a family member. The Complainant checked in on NE#1 later, and she replied “Can’t talk right now.”

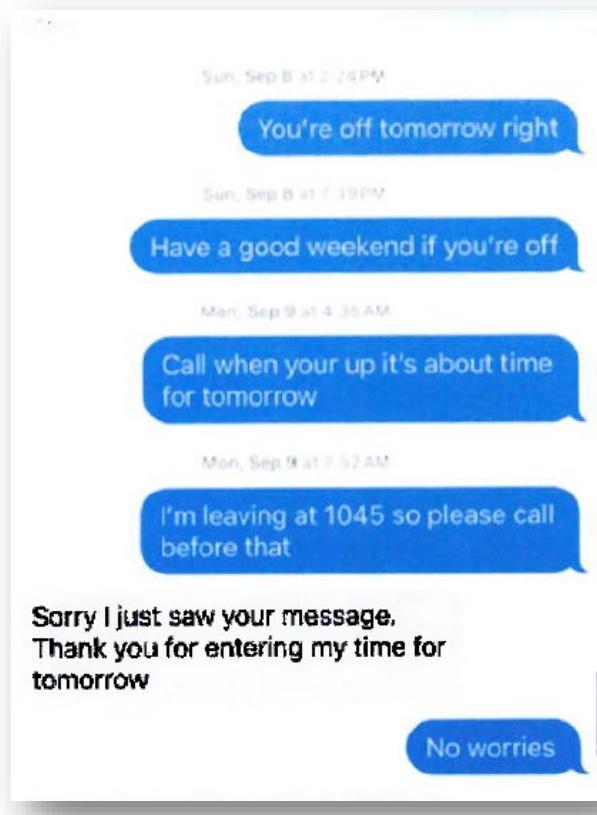
The next day, NE#1 texted the Complainant, “How’s work?” He responded about two and a half hours later, and the two resumed texting about being tired, motorcycles, and traffic. The two made plans to “ride in” on Friday, September 6, 2024. The Complainant texted, “Cocktails tonight,” asking “Can you escape?” NE#1 said she could not. The Complainant responded with a thumbs up emoji and “Next time.” The two discussed plans, workouts, cleaning cars, family, and food. The Complainant asked NE#1 if she “fix things out” with her husband. She stated she did, stating she loved her husband. She asked, “Are things easy with your wife?” The Complainant responded affirmatively, noting they had been together “for ever” [sic].

On Thursday, September 5, 2024, the two discussed motorcycles, yard work, and the weather. The Complainant wrote, “I worked around the house today. It got so hot.” NE#1’s iMessage indicated to NE#1, “You unsent a message.” NE#1 wrote, “lol it’s so hot out.” The two continued discussing motorcycles and yard work.

On September 6, 2024, around 2:49 am, the two agreed to meet at a gas station. Later, the two again discussed the Complainant not going to coffee due to being with another officer. At 1:05 pm, NE#1 wrote, “Hey you getting changed” and “Hello.” The Complainant texted “Where are you” and “outside.” NE#1 wrote, “I’m At the gas station.” The Complainant asked if NE#1 made it “home safe.” She responded she did and told her husband “about the trooper,” elaborating, “Fuck that guy … he doesn’t like motorcycles.” The Complainant agreed, “Fuck that trooper,” and indicated he knew the trooper’s first name and law enforcement work history.



The two continued discussing scheduled and riding motorcycles. On Sunday, September 8, 2024, the two had the following exchange:



The two then discussed family, coworkers, and a recipe through September 10, 2024. The messages ended with the string where NE#1 told the Complainant he could not work as an acting sergeant without a permanent ranked sergeant.

7. Complainant's OPA Interview (January 31, 2024)

OPA interviewed the Complainant specifically for this investigation on January 31, 2024. This interview was consistent with his September 20, 2024, EEO interview.

The Complainant elaborated that he had previously served as an acting sergeant about two or three years prior under a different supervisor. He also noted that NE#1 told him nobody else would have access to her phone.

The Complainant discussed his fear of retaliation, stating that NE#1 has said things to him like, "If you say this to somebody else, I will destroy your life," and, "If you do this to me, I will destroy you." He stated NE#1 sent him some "very pornographic" messages, which she asked him to delete immediately. He stated he deleted those messages.

The Complainant acknowledged sending the message on August 31, 2024, saying NE#1 looked "Delicious" and "can I hurt you?" He said he used the word "delicious" because NE#1 was going to an event and expressed insecurity about her appearance. He stated he was trying to make "peace" and "mitigate" the situation. He called this series of



messages “dumb,” acknowledging he wrote, I’m so “horn.” He characterized these as trying to “entertain” NE#1 so as not to say something that could have repercussions like, “Get out of my life and leave me alone.” He also acknowledges inviting her out for “cocktails,” stating they would do this as a squad and that he sent similar messages to his squad mates. He said this was “damage control,” stating he should not have sent the graphic messages, but it was the “only tool” he felt he had to gain more time.

The Complainant stated he has since worked as an acting sergeant for other supervisors. He stated that, prior to September 10, 2024, NE#1 never told him he could only work as an acting sergeant with a permanent rank sergeant.

8. Named Employee #1's Second OPA interview (February 13, 2025)

OPA interviewed NE#1 a second time specifically for this case on February 13, 2025.

NE#1 described her training plan for the Complainant to be an acting sergeant, characterizing it as riding with her for a day and working through the administrative tasks and discussing how to do things like screen force. NE#1 stated this plan was not documented anywhere. She stated she spoke with another permanent rank sergeant—Witness Employee #1 (WE#1)—about having the Complainant, “act on the heavy days, because then there’s more sergeants to assist in the learning process.” NE#1 stated she only ever asked one other officer—a permanent acting sergeant with four decades of experience—to be an acting with her on one occasion. She noted she still would not have allowed that person to screen a use of force or take command of any major scene.

NE#1 stated that the Complainant would “flirt” with her, by leaving notes on her desk that said “I was here,” or “I miss you.” She characterized these as “repetitive small notes.” She stated he would offer to grab her lunch at the grocery store, and she always turned him down. She stated they texted a lot, and he would try to call her after work.

NE#1 acknowledged flirting back with the Complainant at the beginning, by throwing candy at him and texting. She stated it then “devolved into inappropriate texting.” She characterized this as talking about where to go on vacation, and it “devolved into” “I would like a cabin in the rain, or, here’s a reel about a cabin in the rain, things like that.” She said these messages were a “mistake.” She said she no longer had those texts, and that the ones she provided went back “as far as my carrier would let me.” She said the flirtation lasted, “Maybe two weeks.”

NE#1 stated she thought the Complainant had “temper issues,” after he “peeled out” of a scene when another sergeant asked him to do “bitch work” for another squad.”

NE#1 said she thinks the Complainant thought he could use her as “the new young female sergeant” and could “manipulate” her. She stated she told him “No,” that she was not interested in the message from August 31, 2024. She characterized these this way: “I was like, absolutely, like, no. And, but I was trying to be, yeah. I mean, I was trying to be as not damaging as possible, without making the situation worse.”

NE#1 acknowledged sending the texts about her party at the beginning of August. She admitted sending the message, “I promise not to get you drunk and take advantage.” When asked what she meant by this, she said, “That I wasn’t going to get drunk and take advantage of him.”

When asked whether she sent the message “Why do I want to be next to you and touch you,” she replied: “Uh. [Inaudible] where is—I don’t, I don’t know if I sent that, that does, it looks like there should be more to this message.” When asked how she could remember the party messages, but not whether she sent the “touch you” message, she stated that she did not host parties that often. OPA engaged the following line of questioning:



OPA: Did you send him other messages about wanting to touch him?

NE#1: I--there were flirtatious messages. Maybe?

OPA: Okay.

NE#1: I don't, I mean obviously I don't have my, copies don't go back that far.

OPA: The, these are from seven-ish months ago.

NE#1: Yeah.

OPA: Is, is there a reason that you wouldn't be able to remember conversations from seven months ago?

NE#1: Because there was hundreds of text messages exchanged.

OPA: Okay.

NE#1: Like I (inaudible) like events I remember, but specific things I said I mean, I, if it's in here, probably sent it, but I don't know, where's the rest of this conversation? What did he respond to this?

OPA: Okay.

NE#1: Like.

OPA: Um, did you want to touch him?

NE#1: Maybe, in theory.

OPA: Okay.

NE#1: But I would never act on it.

OPA: These are, so just slightly before those ones from July 29 these are page 5, also screenshotted text messages and these are time stamped from July 29. In this screenshot is a message, "I want to take your uniform off. I'm good with belt keepers." Did you send this message?

NE#1: I'm the blue one in this one.

OPA: No.

NE#1: No, because I sent that reel. "Do you shave?" I would be the blue one in this.

OPA: Yeah, you, you sent the reel that's on the left, in the gray there's just a blue, blue box on it.



NE#1: I don't, I don't recall sending this, but...

OPA: But you remember sending the reel?

NE#1: Yes, I sent him [inaudible] reels.

NE#1 then implied that the messages could have been "altered" and were not "complete." After being told these were reviewed on the phone in the EEO office, NE#1 said: "But, yeah, I mean, I [inaudible]--I, I, I sent. Yeah, I must, I've sent these. Yes, I've, I said stuff like that. I don't remember seeing this exactly, but I said stuff like that for sure." NE#1 said she did not remember asking the Complainant if he "shaves" but did send him a reel. She also acknowledged telling NE#1 he was a "high quality man" that "a lot of women would want to be with." She described the text about seeing the Complainant run out in his underwear as an "inside joke."

OPA summarized: "Okay. All right, so some of these messages you can't recall sending directly, but you did send some of them talking about wanting to touch him, or that he's a high-quality man?" NE#1 replied: "Yes." NE#1 agreed that the reason she could not remember some of the messages was that there were so many messages between them. NE#1 stated she felt the messages were "pieced together" and "missing significant texts sent by the Complainant." She also stated there should be a "way to show that none of it was modified as well."

9. Named Employee #1's EEO Interview (March 11, 2025)

NE#1 was interviewed as the named employee in 2024EEO-0039 on March 11, 2025. The interview began at 8:19 am and ended at 11:14 am. The interview was generally consistent with NE#1's February 13, 2025, OPA interview, but covered a broader scope of material.

NE#1 denied speaking with the Complainant at the end of July about her sex life with her husband. She also denied saying that she was "looking for some" and "always available." NE#1 asked, "Why would I ever talk about my husband in a disparaging manner to a male I barely know?" She affirmed her relationship with her husband, and stated she would "not proposition a man of [the Complainant's] age. I'm way out of [the Complainant's] league. Like, that's just—I'm just going to put that out there, like, if I was going to pick something, it would not be him. And, nor would I ever talk to anybody in that manner."

NE#1 described sending the Complainant, "hundreds and hundreds" of texts, approximating that, in a day, it could range from zero to fifty.

When asked about the text, "Ugh. Why do I want to be next to you and touch you?" NE#1 stated, "I don't I think sent that. Is there another page that goes with this?" When the EEO investigator pointed out the message was in a string of texts, NE#1 said, "I did not send that. That's not something that I would write." NE#1 stated the Complainant could "delete and add things." When the EEO investigator asked NE#1 to confirm her accusation that the Complainant had altered evidence, NE#1 said it was "possible," then saying, "If there's data that shows that I – I mean, you got to remember, this is eight months ago, but that's not something I would say." NE#1 then initially agreed it would be inappropriate if she had said something to that effect, before then stating, "But it's outside of work. So it has no bearing on work. It's two adults consensually flirting." NE#1 then confirmed that she did not believe that would be inappropriate if she had sent it.

There was also this exchange about the July 29, 2024, string of texts.



EEO: So he's sending a heart to your text, "You want to get to me, you have to kiss me all sorts of ways." Is that right?

NE#1: Yup.

EEO: And then you go on to text, "I need coffee but I'd like -- but I take it slow with you, make you want it bad."

NE#1: What does this have to do with coffee? That's why this makes no sense. This whole thing makes no sense. There's missing texts in between here.

EEO: "Okay. Coffee before others show up." And then there is an Instagram post.

NE#1: Okay.

EEO: And we continue on to the next page (inaudible) pages I (inaudible) hand you, has an Instagram post shows the words "me when I meet someone, asks if I want to get coffee and wander around a bookstore." And it's an Instagram post from Eliza at bookstagram [phonetic] on Instagram. Do you recall sending that, that Instagram message to him?

NE#1: I don't recall sending any of this.

EEO: And then a statement by you, "I want to touch you. I want to take your uniform off. I'm good with belt keepers" --

NE#1: And that is not a statement that I would say. And this has nothing to do with getting -- I don't know -- this makes no sense. There's missing context to this.

EEO: Okay. So of the two pages I've shown you here, do you recognize or have you sent any of these?

NE#1: I don't recognize any of that.

When asked what she meant by "I would tear your clothes off," NE#1 said, "That's pretty explanatory." When asked about her statement, "You're just sexy right now. Say something funny," NE#1 stated, "This seems like something I said." The EEO investigator asked if there was anything inappropriate about these messages. NE#1 replied, "Not to consensual adults."

When asked what she meant by asking if the Complainant "shaved," NE#1 responded, "Like, do you shave your hair." The EEO investigator pressed NE#1 about this answer. NE#1 stated that sometimes the Complainant shaved his beard. The EEO investigator asked NE#1 why she would need to ask the Complainant whether he shaved a part of his body that she could see visually. The EEO investigator clarified, "So you weren't asking him if he shaved anyplace that you couldn't see?" NE#1 responded: "I don't recall what -- this is eight months ago. I don't recall what everything means. I could have been, yeah, do you shave down there? Do you -- it could have been -- you could take it any way you want."



The EEO investigator asked NE#1 about her text messages, “I hope people don’t catch me looking at you,” and “Why do we have this connection? I blame you.” NE#1 said she meant that they “had a connection” and that it could have been “something possibly more than friends. Maybe an attraction to each other.”

The EEO investigator asked NE#1 about the July 31, 2024, string of text messages. She asked what NE#1 meant by, “I’m going to make you blush at coffee” and “I just want to push you down and mount you. I’d pin your arms above your head and not let you touch me until you can’t stand it anymore. Then I’d make you flip me over and take me hard.” NE#1 responded as follows: “I don’t know. I don’t remember writing that. That is not something that I would say. And, again, it doesn’t go – it just doesn’t flow. . . . I’m writing these to nobody, essentially myself.”

Regarding the series of texts where the Complainant asked NE#1 “would you be happy if I walk away?” NE#1 stated the Complainant was talking “gibberish” and stated this conversation referenced them “remaining friends.” She said she “told him that we should only be friends multiple times.”

The EEO investigator also asked NE#1 about a string of text messages that the investigator screenshotted herself off of the Complainant’s phone. In it, NE#1 texted the Complainant on the night of the party, “My swinger friend is coming. Just tell me to stop. I will.” And, “We’re talking about shave. No shave. LOL. Landing strip for the win. Ugh. Sad you aren’t here. Too bad I can’t issue orders off duty. You’d be my first order.” And, “get on your knees.” And “OMG. I’m so fired.” When asked what she meant by this string of messages, NE#1 stated, “I don’t know. It appears that – I don’t think this is a – probably it’s straightforward. If I sent this, then it’s straightforward. I don’t recall sending something like that.” As NE#1 continued to question the authenticity of the messages, the EEO investigator told NE#1 that she took the screenshots off the Complainant’s phone herself. NE#1 and the EEO investigator disagreed about the import of this. The EEO investigator asked, “Okay. But you did text, ‘Get on your knees?’” NE#1 replied, “I’m not saying I texted that. I don’t know if I texted that. So, no. I don’t know.” NE#1 was given the opportunity to elaborate, she stated, “No. I do not remember. This was eight months ago. And we sent hundreds, if not thousands, of messages.”

When asked if she thought it was appropriate for a supervisor to have such discussions with their subordinate, NE#1 responded, “Oh, absolutely, especially when he initiated all of this flirting, has asked me for nude pictures, and he doesn’t provide any of that. So, yes, people are allowed to have relationship outside of the workplace.” NE#1 stated she could only “go back” sixty days on her text message retention, which she said she did “as soon as I had the opportunity to.” NE#1 characterized the Complainant as the instigator, saying, “Never once have I seen anything that shows he said he didn’t want this. I provided evidence. I am not your type. No. I am the one that turned him down. He’s been sexually harassing me for a long time. And I shut him down, and when he got told, ‘Sorry. You have to wait to be acting sergeant,’ he files a complaint because he knew I was going to turn this into the Department.” NE#1 said she intended to come forward to her Watch Commander at the September 13 meeting she scheduled. She stated NE#1 first started harassing her in “mid to late August” after she told him, “No. We’re only friends.” She stated, “I haven’t seen anything in all of my interviews that I’ve had where [the Complainant] tells me no. It’s the opposite. He’s been pursuing me relentlessly.” She continued, “So, it has been continual. It is two people. He was flirting with me. I put an end to it. Never acted on any of that. Not once.” NE#1 characterized everything prior to mid-to-late August as “all consensual, two adults flirting with each other via text message.” NE#1 said she told the Complainant they could “only be friends” the day after her husband’s training ride with the Complainant.¹²

10. Witness Employees

¹² The training ride was August 4, 2024. This would coincide with the Complainant’s recollection of August 5, 2024.



OPA also reviewed two witness employee interviews from other cases to corroborate certain events.

a. Witness Employee #1's 2024OPA-0405 Interview (March 14, 2025)

WE#1 is a permanent rank sergeant with over twenty-three years of experience at SPD. He said he "partially" recalled the August 5, 2024, interaction between NE#1 and the Complainant concerning the Complainant not being assigned to the proactive car. He stated NE#1 entered the sergeants' office and asked him to confirm he made the assignment for the proactive car. He confirmed this, then she told the Complainant that it was WE#1's decisions. WE#1 said the Complainant entered the office and did not want to talk. Instead, WE#1 said the Complainant made a "motion with his hand towards [NE#1's] mouth, but I know they were both laughing and giggling." WE#1 said NE#1 stated, "don't touch me." WE#1 said he went back to work. OPA asked WE#1 if he would characterize what he saw as an assault. WE#1 stated, "No." WE#1 stated he was unaware of any remedial actions NE#1 took to address the behavior or any mention of the Complainant be insubordinate. WE#1 stated that NE#1 "wasn't happy with what [the Complainant] did." He said this was because the Complainant tried to put his hand over her mouth and "questioned" the proactive car assignment.

b. Witness Employee #2's EEO Interview (April 14, 2025)

WE#2 is a permanent rank sergeant with about twenty-seven years of experience at SPD. WE#2 stated he was helping the Complainant get all the permissions he would need to serve as an acting sergeant. WE#2 stated he only became aware of NE#1 saying the Complainant could not be an acting sergeant "later" after she sent out an email about it. WE#2 stated he believed the Complainant was qualified to perform all the duties of an acting sergeant, short of getting administrative permissions to systems. He denied hearing anything from NE#1 about the Complainant needing a permanent rank sergeant present to work as an acting sergeant. WE#2 stated there is no policy requiring this and, to the contrary, it "absolutely happens quite frequently." WE#2 stated officers serve as acting sergeants "frequently" without having attended sergeants' school and that, in those cases, their supervisor and other supervisors in the precinct offer assistance.

WE#2 stated that at some point the Complainant showed him a text message sent by NE#1 concerning "how her pubic area was manicured." WE#2 stated he found that "fairly inappropriate for a sergeant to send to him." WE#2 stated the Complainant told him that he and NE#1 were sending "flirty" texts and his wife found out and got upset. WE#2 stated the Complainant told him that he asked NE#1 to stop, and she became upset with him for asking. WE#2 stated this caused the Complainant concern, recalling the Complainant stating, "this is my sergeant. What do I do? I don't want to get in trouble. I don't want her to be mad at me, but I can't continue down this road." WE#2 stated the Complainant said he had already told his lieutenant about this. WE#2 told the Complainant to document the issue. He could not recall the exact timeframe of this conversation, but noted it was before their Watch Commanders changed, which would be before mid-August 2024. WE#2 stated he could not remember for sure.

WE#2 also stated he was present for a conversation between NE#1 and the Complainant in the sergeant area. He recalled NE#1 telling the Complainant something to the effect of "you're too old to work overtime." WE#2 believed they were joking and not paying the comment much mind. WE#2 stated, after NE#1 left, the Complainant looked at him and said "What was that about?" and the Complainant "didn't look like he took that very well."



11. Complainant's EEO Interview (April 21, 2025)

The Complainant was interviewed a second time as the complainant in his EEO case on April 21, 2025. This interview was generally consistent with the Complainant's prior interviews.

The Complainant spoke more about the conversation he had with NE#1 sometime after August 5, 2024, in which she told him that, "we're done, no more, this is all going to be work related, but just so you know you're done over here." The Complainant stated NE#1 took him outside to have this conversation, which he described as unusual for a sergeant not to want witnesses. He stated NE#1 had tears in her eyes. He said she initially just said, "we're done, this is all going to be work related." He described his reaction to this as fine. He said NE#1 continued before she left of "You know, your life is done over here." The Complainant stated he tried to talk to her more about this to do, "Damage control." But he said NE#1 left and went to her car.

Concerning the August 12 texts where the Complainant stated he was "good" with NE#1, the Complainant states that because NE#1 was his supervisor, he could not just "declare war with her." He described feeling like "of course I have to say, yeah, we're good."

The Complainant stated the comment NE#1 made to him about being too old to work overtime occurred in August. He said he believed NE#1 to be serious as she made similar comments in the past. The Complainant described the overtime system and acknowledged he did not know how NE#1 could stop him from working overtime. He acknowledged he was not denied any overtime in July, August, or September of 2024.

The Complainant acknowledged he was able to delete certain text messages from his phone but denied being able to "add" a text into the middle of a string of text messages, to make it look like a text was sent that was not.

The Complainant acknowledged continuing to send text messages to NE#1, stating this was "damage control" and to appease NE#1 out of desperation. He described drawing a line after August 5, but this caused "turmoil" causing NE#1 to ask if they were "good." He said he started "desperate texting" her. He recalled that she asked in the past for "spicy" text messages, so he was trying to "please her" by sending "dirty" texts even after August 5. The Complainant stated "yes and no" when asked if they were just two consenting adults. He elaborated: "She is my supervisor. That changed everything you know. ... I can do whatever I want with her. She can do whatever she wants with me. The problem is, the minute I say stop, then becomes a problem."

The Complainant denied harassing NE#1. He acknowledged leaving NE#1 notes at her desk, but described them as work-related in terms of telling her he came by to have a report approved but "missed her," as she was away from her desk. He acknowledged asking NE#1 for pictures of herself, but stated he did not specify "naked pictures." He said if he had, it would have been in response to her messages. He stated NE#1 never sent him any naked pictures of herself. He denied that he wanted her to.

The Complainant described the August 5, 2025, incident where he allegedly assaulted her as one where they were "laughing the entire time" and he had no idea how an assault allegation came out of it two months later. He stated that, afterwards, she was claiming he assaulted her, and she thought she was being funny by insinuating to WE#1 that the Complainant was calling him a liar. He said he told NE#1 not to throw him "under the bus," and she responded to the effect of, "oh I can throw you under the bed."



12. Additional Text Message

The EEO Investigator also received a screen shot of text messages between NE#1 and another full sergeant. On August 7, 2024, NE#1 texted the other sergeant, "Hey do you still need a sgt for tomorrow?" The other sergeant responded later the same day, "You can come in if you want. . . I was just going to assign an acting." NE#1 wrote back, "Ok. [Complainant] is now good to go for acting but I don't if he's working tomorrow,"¹³ and "just let me know who you choose :)."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 - Standards and Duties, 5.001-POL 14. Retaliation is Prohibited

The Complainant alleged that NE#1 retaliated against him by not allowing him to work as an acting sergeant after he attempted to curtail her sexually explicit advances.

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, "oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy" or "who otherwise engages in lawful behavior." *Id.* Retaliatory acts are defined broadly under SPD's policy and include "discouragement, intimidation, coercion, or adverse action against any person. *Id.*

Resolving this serious allegation requires OPA to determine which of two narratives—the Complainant's or NE#1's—is more likely to have occurred. Broadly, both parties agree that NE#1 started as the Complainant's supervisor in April 2024. Thereafter, two things happened, (1) the Complainant expressed interest in working as an acting sergeant, and (2) the Complainant and NE#1 began sending each other "flirty" text messages. They also agree that, after August 5, 2024, the nature of their relationship changed. Both allege the other acted inappropriately, and those crisscrossing allegations are being managed between OPA, SPD EEO, and SDHR.

The Complainant stated that, on August 5, 2024, he told NE#1 in certain terms that they needed to stop. He described NE#1 as having an extreme emotional reaction to this, that her demeanor and behavior towards him markedly changed. The Complainant stated she stopped her efforts to advance him to working as an acting sergeant and, when he accepted an opportunity to do so on a day the precinct was in need, she retaliated against him by forbidding his Watch Commander and other sergeants from asking him to serve as acting sergeant.

For her part, NE#1 described herself as ending the inappropriate relationship between herself and the Complainant. She described the Complainant continuing to reach out to her, leaving her notes, and sending her inappropriate text messages—notably, a series on August 31, where the Complainant stated she looked "delicious," implied he was "horny," and asked if he could "hurt" her. NE#1 said she texted him, "I'm not your type." She characterized this as a firm rejection, that the Complainant ignored.

Reviewing the totality of the evidence, OPA finds several reasons to credit the Complainant's version of events as more likely than NE#1's.

¹³ The other sergeant gave a "thumbs up" reaction emoji to this portion of the text.



First, OPA found NE#1's course of conduct during these investigations as lacking candor. Her initial denial that she ever sent the Complainant messages of a "sexual nature" remains under investigation under OPA case 2025OPA-0046. That said, her later admissions to sending NE#1 "flirty" messages at the very least call this answer into question. OPA also found her responses to both OPA's and EEO's questions about specific text messages as evasive and not forthcoming. Even if, as she repeatedly stated, the messages lacked certain context, it is hard to understand how some of the messages she sent the Complainant could be interpreted as appropriate between a supervisor and a direct subordinate. Moreover, her denials concerning whether she sent certain statements—noting the amount of time that passed and number of texts she sent the Complainant—was questionable. When questioned about the messages, NE#1 arguably should have been able to flatly admit or deny sending some of them. Her evasiveness in response to these questions called in to question her ability to be forthcoming by OPA.

Relatedly, NE#1 made a significant effort to call the Complainant's text messages into question, but her own records were equally—if not more—suspicious. NE#1 claimed to have known, at least as soon as September 10, 2024, that she would be filing a complaint against the Complainant. Due to the nature of her complaint, she would have known her extensive text messages with the Complainant were relevant. NE#1 claimed her phone only retained messages for a limited time: at one point saying sixty days and another two and a half months. But she only produced text messages from August 31 onwards. Even if the very first date she thought to preserve messages was October 3, 2024—the date she first appeared to have screenshots messages—she should have had messages dating back at least as far as August 3. Instead, it appears to OPA that NE#1 crafted her complaint to begin at the most advantageous moment: her documented rejection of the Complainant.

Second, OPA found NE#1's recollection inconsistent. To begin, her stated rejection of the Complainant was not as strong as she insisted. Her message, "I'm not your type," was arguably not a flat rejection, especially considered in context. If, as she said, she considered the Complainant to be harassing her at this moment, she could have addressed the misconduct in a timely manner as required by policy. See SPD Manual 5.002. Instead, NE#1 intended to wait nearly two weeks before reporting the August 31 communication. To the extent she found any of the Complainant's other comments or conduct unprofessional, harassing, insubordinate, or illegal, her lengthy delay in reporting does not suggest she treated these issues with any urgency.

Third, OPA found NE#1's explanation for requiring the Complainant to have a permanent rank sergeant on shift with him unusual. This is not required in policy, nor did any other individual who worked with the Complainant appear to have any reservations about starting him as an acting sergeant. In fact, he worked as an acting sergeant several years ago. WE#2 corroborated that officers frequently serve in acting sergeant roles without formal training and, instead, relying on other supervisors to learn as they go. Similarly, NE#1's explanation that NE#1 did not have access to all the systems he needed appeared to rest squarely with her and did not seem to prevent any other supervisor—including those technically delegating their authority to the Complainant—from deeming him unqualified. Furthermore, the Complainant's Watch Commander and Precinct Captain had already approved him to work as an acting sergeant. Nothing in policy suggests that NE#1 could unilaterally override that decision. Indeed, her own texts to the Complainant—calling him "A/Sgt" on or about August 1—and another sergeant stating the Complainant was "good to go" as an acting sergeant on August 7, 2024, did not indicate she had any such reservations about the Complainant serving in an acting sergeant capacity with any restrictions. Nor did NE#1 document her reservation about the Complainant in any written format or speak to her supervisor about these concerns before the September 10 email.



Finally, the witness employee's recollections appeared to be more consistent with the Complainant's recollection of events than NE#1's. WE#1 did not describe witnessing an assault. WE#2 corroborated the Complainant's understanding of the acting sergeant process and norms, the Complainant's concern as to how to manage his situation with NE#1, and that NE#1 said the Complainant was too old to work overtime, which appeared to bother the Complainant.

Here, NE#1 had no documented restrictions for the Complainant to serve as an acting sergeant as of August 7, 2024. But, as the Complainant sought to create space between himself and NE#1, the personal relationship between the two deteriorated throughout August. NE#1 then attempted to prevent the Complainant from working as an acting sergeant, even under the supervision of others who had no similar reservations. Additionally, he had served as an acting sergeant several years ago.

Therefore, OPA finds, in review of the totality of the circumstances, NE#1 attempted to prevent the Complainant from working as an acting sergeant, even under the supervision of others who had no similar reservations. OPA finds by more than a preponderance of the evidence that this was an adverse action against the Complainant for engaging in lawful behavior.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**