



## ***CLOSED CASE SUMMARY***

ISSUED DATE: FEBRUARY 28, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0411

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

| Allegation(s): |   | Director's Findings               |
|----------------|---|-----------------------------------|
| # 1            | 5.001 - Standards and Duties 14. Retaliation is prohibited                                    | Not Sustained (Training Referral) |
| # 2            | 5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer | Not Sustained (Training Referral) |

***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:**

The Complainant alleged that the Named Employee (NE#1) retaliated against her because of a previously filed OPA complaint.

### **SUMMARY OF INVESTIGATION:**

This complaint is linked to 2021OPA-0405, as such the fact pattern remains the same. The Complainant initially contacted OPA and made a complaint that she believed NE#1 had used her connections with SPD to help NE#1's son avoid being served a protection order and not allow the Complainant to get her daughter. In a follow up interview with OPA the Complainant then stated that she did not believe that NE#1 had interfered with the service of that order but expressed concern over the future possibility of the NE#1 to potentially influence and/or interfere with due processes involving visitational and custodial rights of their child.

During the investigation, OPA established that a protection order was in place between NE#1's son and the Complainant. OPA also interviewed NE#1's two sons and daughter. The first son, Community Member #1 (CM#1) was the involved party in the protection order. CM#1 is the former partner of the Complainant and the father of her child. CM#1 outlined the relationship difficulties between himself and his ex-partner (the Complainant) and alleged that the complaint filed against his mother (NE#1) was an attempt to "get back at him." CM#1 stated that NE#1 made him aware of the complaint filed against her, but that she has never interfered with his personal life or used her position in SPD to help him.

NE#1's second son, Community Member #2 (CM#2), was also interviewed by OPA. CM#2 stated that NE#1 had made him aware of the complaint filed against her by the complainant. CM#2 confirmed that he had exchanged text messages with the Complainant's mother stemming from the complaint made against his mother. CM#2 stated that he did not initiate this text conversation but responded to a message sent to him which indicated that his brother



(CM#1) would be harmed because of the difficulties between the Complainant and CM#1. This text exchange occurred between the Complainant's mother and him.

NE#1's daughter, Community Member #3 (CM#3), was also interviewed as part of this investigation. CM#3 stated that NE#1 made her aware that a complaint had been filed against NE#1 stemming from issues between CM#1 and the Complainant. CM#3 stated that NE#1 was "in tears" about the complaint when they spoke. CM#3 stated that, following the conversation with NE#1, she contacted the Complainant via social media. CM#3 stated the initial text conversation between them was tense and she "went off" on the Complainant. CM#3 stated that following this exchange, she had a subsequent phone conversation with the Complainant during which the Complainant apologized for her actions.

Lastly, NE#1 was interviewed and provided more context to the background of this complaint. NE#1 described the relationship between CM#1 and the Complainant as "volatile." NE#1 explained that relationship had ended, but both parties continue to share custody of their child, NE#1's granddaughter. NE#1 alleged that she had been subject to threatening messages from the Complainant on social media. NE#1 stated that these messages were "lost" owing to both blocking the Complainant on social media and NE#1 replacing her mobile phone.

NE#1 stated that she did speak to her children—CM#1, CM#2, and CM#3—after receiving the notification of the complaint made against her. NE#1 stated she recalled seeing and reading the notification but failed to read the last paragraph, which directs the named employee from discussing the complaint with any other individuals who may have been involved. NE#1 explained that she spoke with CM#1 because she wanted him to "understand the severity of him going back and forth" with the Complainant and how their issues were now "jeopardizing" her job. NE#1 was asked whether she requested her children (CM#1, CM#2 and CM#3) take action on her behalf and she stated that she did not. NE#1 stated that on receipt of the second complaint (2021OPA-0411) she contacted CM#1, CM#2 and CM#3 and asked them to cease all communications as they were making the situation more difficult for her.

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

##### **5.001 - Standards and Duties 14. Retaliation is prohibited**

The Complainant alleged that NE#1 retaliated against her for filing a complaint with OPA.

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.)

The Complainant alleged retaliation when NE#1's children (CM#1, CM#2 and CM#3) contacted her and her mother after the initial complaint she had made to OPA. When contacted by the OPA for a further interview, the complainant declined and stated that she did not want an investigation, but she simply wanted OPA to be aware of what transpired after she filed complaint 2021OPA-0405.



The NE#1 told OPA that after reading the complaint she spoke to her four (4) children, 3 (CM#1, CM#2 and CM#3) of whom made contact with the complainant. The NE#1 also stated that she told her mother about the complaint. NE#1 explained that she spoke with her son, CM#1, because she wanted him to “understand the severity of him going back and forth” with the Complainant and how their issues were now “jeopardizing” her job. NE#1 was asked whether she had requested her children (CM#1, CM#2 and CM#3) to take action on her behalf and she stated that she did not. NE#1 stated that she was made aware of the contact between her children and the Complainant when she received the second notification of complaint, for OPA Complaint 2021OPA- 0411. The NE#1 stated she then texted her children to inquire if they had responded or said anything to the Complainant regarding her allegations in the first complaint. She told them that they were making matters worse by contacting her.

OPA recognizes that these witnesses are the children of NE#1 and thus placed NE#1 in the unusual position where personal family matters had encroached and impacted the NE#1’s professional life. OPA does not believe that the discussion of the case by NE#1 with her children was done to with the intent to interfere with the investigation and/or retaliate against the complainant or her family. As such, NE#1’s behavior is a potential, but not willful, violation of SPD policy.

Accordingly, OPA recommends a that this allegation be Not Sustained (Training Referral).

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policy 5.001(14) with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained (Training Referral)**

## **Named Employee #1 - Allegation #2**

### **5.001 - Standards and Duties 15. Employees Obey any Lawful Order Issued by a Superior Officer**

SPD Policy 5.001-POL-15 requires that Department employees obey any lawful order issued by a superior officer. The failure to do so constitutes insubordination.

The NE#1 told OPA that after reading the complaint she spoke to her four (4) children, three (CM#1, CM#2 and CM#3) of whom made subsequent contact with the complainant. She also stated that she told her mother about the complaint. The NE#1 stated that she recalled seeing and reading the notification with the exception of the last paragraph instructing her not to speak about the complaint with anyone else involved. When asked if she violated Department Policy 5.001(15) the NE#1 replied, “I definitely did.”

While the breach of the confidentiality request is of note, OPA recognizes that these witnesses are the children of NE#1 and thus placed NE#1 in the unusual position where personal family matters had encroached and impacted the NE#1’s professional life. OPA also finds that it is plausible that NE#1 either did not read, or did not appreciate the import of, the confidentiality request. On these specific facts, OPA does not believe that the discussion of the case by NE#1 with her children was done to intentionally disobey an official order, but instead was intended for her children to appreciate the impact of these issues on her job. As such, NE#1’s actions constituted a potential, but not willful, violation of SPD policy. OPA also appreciates NE#1’s candor during her interview and admission of responsibility. Going forward, NE#1 is put on notice of the confidentiality requirements of OPA’s investigative process.



---

Accordingly, OPA recommends that this allegation be Not Sustained (Training Referral).

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 5.001(15) with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented, and this documentation should be maintained in Blue Team.

Recommended Finding: **Not Sustained (Training Referral)**