



## ***CLOSED CASE SUMMARY***

ISSUED DATE: JANUARY 13, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0188

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

Named Employee #1

Allegation(s):		Director's Findings
# 1	1.110 - Public Information 5. Only Specific Personnel are Authorized to Give a Statement to the Media	Not Sustained - Training Referral
# 2	1.110 - Public Information 7. Department Employees Will Notify the Public Affairs Unit of All Requests for Interviews Prior to Speaking With the Media	Allegation Removed

***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 Named Employee #1 (NE#1) spoke with the media on multiple occasions without authorization.

### **SUMMARY OF INVESTIGATION:**

The Complainant, an SPD supervisor, submitted an OPA web complaint alleging NE#1 appeared on a local news program without SPD's Public Affairs Unit's approval. The Complainant alleged NE#1 was previously instructed she needed authorization for media appearances but repeatedly failed to seek authorization.

The complaint included a link to a local news webpage. That webpage hosted a video (posted June 12, 2022) featuring NE#1's community work. The video also showed NE#1 in uniform commenting on her community work.

OPA obtained emails NE#1 sent to the Public Affairs Unit. NE#1 sent an email on June 13, 2022, requesting permission to appear on two radio programs. The Complainant approved that request.

After OPA notified NE#1 about this complaint, unsolicited, on June 30, 2022, NE#1 emailed OPA. In summary, NE#1 admitted her June 12, 2022, local news appearance was unauthorized. NE#1 stated she mistakenly believed she was approved for that media appearance, but later learned she was not. NE#1 also admitted to other unauthorized media appearances. NE#1 stated a sudden high volume of media requests made it difficult to track which were approved. However, she stated she recently created a tracking system to avoid future noncompliance. NE#1 stated her appearances reflected positively on SPD but apologized for not following protocol.



OPA spoke with Witness Employee #1 (WE#1), the Public Affairs Unit's director. WE#1 explained SPD's media request authorization process. WE#1 stated she and the Complainant discussed NE#1's unauthorized June 12, 2022, appearance. WE#1 stated NE#1 made other unauthorized appearances but WE#1 did not offer specifics.

OPA interviewed the Complainant, a Public Affairs Unit supervisor. The Complainant also explained the process for seeking authorization for media requests. The Complainant stated NE#1's unauthorized media appearances was an ongoing issue.

OPA interviewed NE#1. NE#1's statements during the interview were consistent with the information, admission, and apology she emailed OPA on June 30, 2022.

### **ANALYSIS AND CONCLUSIONS:**

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

##### ***1.110 - Public Information 5. Only Specific Personnel are Authorized to Give a Statement to the Media***

The Complainant alleged NE#1 made an unauthorized media appearance.

Only specific SPD personnel are authorized to give a statement to the media. SPD Policy 1.110-POL-1(5). Non-authorized personnel shall not provide any substantive information to the media. *Id.* When the media requests an interview with an on-duty employee, officers shall refer media representatives to a PIO or the on-scene captain or permanent-rank lieutenant. *Id.*

Here, NE#1 appeared on a local news program in uniform and provided substantive comments about her community work. NE#1 admitted that appearance was unauthorized. However, OPA cannot conclude NE#1 engaged in willful misconduct, particularly where she was suddenly hit with a plethora of media requests about her exceptional community work. By NE#1's admission, the high-volume of local and national inquiries were difficult to manage. In response, NE#1 developed a tracking system to better manage future requests and to ensure the Public Affairs Unit's approval.

Accordingly, OPA recommends 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 Policies 1.110-POL-1(5) and 1.110-POL-1(7) 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**

##### ***1.110 - Public Information 7. Department Employees Will Notify the Public Affairs Unit of All Requests for Interviews Prior to Speaking With the Media***

The Complainant alleged NE#1 made a media appearance without notifying the Public Affairs Unit.



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Department employees must notify the Public Affairs Unit of all requests for interviews prior to speaking with the media. SPD Policy 1.110-POL-1(7).

Here, as with Allegation #1, the evidence showed NE#1 did not notify the Public Affairs Unit about an interview request prior to speaking with the media. However, OPA finds this allegation mirrors Allegation #1.

Accordingly, OPA removes this allegation as duplicative.

Recommended Finding: **Allegation Removed**