



## CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 8, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN, ON BEHALF OF DIRECTOR GINO BETTS, JR.  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0419

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Sustained
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Sustained

#### Proposed Discipline

Five Days Suspension

#### Imposed Discipline

Five Days Suspension

***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 civilian supervisor—alleged Named Employee #1 (NE#1) was arrested for driving under the influence in an out-of-state jurisdiction.

### ADMINISTRATIVE NOTE:

On August 8, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### SUMMARY OF INVESTIGATION:

The Complainant sent OPA an email noting NE#1, his civilian subordinate, had been arrested for driving under the influence in an out-of-state jurisdiction.

OPA investigated the complaint, reviewing the police report and court records. OPA also interviewed NE#1.

The police report showed the following. A deputy sheriff (Deputy #1) was dispatched for a collision that occurred out of state. Deputy #1 observed a white SUV blocking the road after the SUV appeared to have struck a concrete barrier on the side of the road. The SUV was occupied by NE#1, who was in the passenger seat. After breaking a window of



the SUV, Deputy #1 detected the odor of alcohol coming from the SUV. Deputy #1 also observed a large hole in the windshield with hair in the glass shards and determined NE#1 had been partially ejected during the collision and had not been wearing her seat belt. NE#1 had blood on hands and face. Deputy #1 noticed NE#1 was slurring her words and had the odor of alcohol coming from her. After she exited the SUV, NE#1 tried to hug Deputy #1 while also telling him, "I hate you right now." NE#1 also requested Emergency Medical Services (EMS), but then refused to go with them when they arrived. NE#1 told Deputy #1 there was a dog in the vehicle. While searching for the dog, Deputy #1 located an empty 50 milliliter bottle of vodka, AR-style rifle, a shotgun, gun case, and ammunition in the back of the vehicle.<sup>1</sup> While continuing to argue with Deputy #1 about going to the hospital, NE#1 told Deputy #1 that she worked for SPD. NE#1 was verbally aggressive towards Deputy #1 as he transported her to the hospital. NE#1 consented to a blood draw. When Deputy #1 asked NE#1 what happened in the collision, NE#1 responded, "because I was fucking drunk." After speaking to NE#1's mother, Deputy #1 also determined NE#1 was significantly off course between her point of departure and destination. The blood draw results determined NE#1's blood alcohol content was .25 grams per 100 milliliters of blood, more than three times the legal limit of .08.

Court records showed NE#1 was charged with three counts: (1) Driving under the influence of alcohol, a class B misdemeanor in the relevant jurisdiction; (2) possession of a firearm under the influence, a class A misdemeanor in the relevant jurisdiction; and (3) failure to wear a seat belt, a traffic infraction. NE#1 was issued summons and, two months later, entered a stipulation of facts admitting there was "sufficient evidence to support conviction on the charges shown in this stipulation of facts." The court did not dismiss any of the charged. NE#1 entered a diversion agreement. A year later, NE#1 completed the terms of her diversion agreement, and the court dismissed all charges.

OPA interviewed NE#1. NE#1 provided her recollection of the incident, noting she struck her head on the windshield and did not remember much. NE#1 stated she began drinking that evening with her father, but she did not recall how much she drank. NE#1 stated that, after dinner, she was "more or less hysterical" and described challenging circumstances in her private life that caused her to reach her breaking point. NE#1 stated her behavior on this occasion was not how she represents herself. NE#1 described having attended extensive therapy since this incident and complying with all her court conditions. NE#1 said she did not think she violated SPD's policy requiring employees to adhere to the law because the case had been dismissed. NE#1 described some confusion as she knew she broke the law, but was unsure how to answer as the case had been dismissed. NE#1 also denied violating the department's professionalism policy because she was off-duty, and the incident related to her personal life.

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

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

##### ***5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 was unprofessional in that she was arrested for driving under the influence.

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<sup>1</sup> Another 50-milliliter bottle of liquor was found in the vehicle later. The liquor was booked into evidence. The firearms and ammunition were released to NE#1's family.



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SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. SPD Policy 5.001-POL-10.

As discussed below at Allegation #2, the evidence that NE#1 violated the law by driving under the influence, possessing firearms while under the influence, and failing to wear a seatbelt is incontrovertible. On its own, this would be sufficient for OPA to find that NE#1 violated SPD’s professionalism policy.

Separately, OPA also credits the version of events documented by Deputy #1 in his police report and finds that NE#1’s drunken, aggressive behavior with a law enforcement officer in another jurisdiction on the night of the incident and gratuitous identification of herself as an SPD employee would tend to undermine public trust in the Department and NE#1. Contrary to NE#1’s belief that these actions did not violate the professionalism policy because they occurred in her “personal life,” the policy explicitly applies to conduct both on and off duty.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

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

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

The Complainant alleged that NE#1 violated the law by driving under the influence.

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

The evidence that NE#1 violated the law by driving under the influence, possessing firearms while under the influence, and failing to wear a seatbelt is incontrovertible. In addition to the voluminous evidence thoroughly documented by Deputy #1 in his police report, NE#1 admitted there was sufficient evidence in the report to support her conviction on all three charges. NE#1 entered into a diversion agreement and complied with conditions for a year before her charges were dismissed. Finally, in her OPA interview, NE#1 admitted to drinking prior to driving and breaking the law on the date of the incident. Contrary to NE#1’s belief that these actions potentially did not violate SPD policy because the charges were ultimately dismissed, the underlying conduct still violated SPD policy even if the criminal charges have been resolved. OPA credits NE#1 for participating in therapy and completing the conditions in her diversion agreement but must still recommend a Sustained finding.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**