




## CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 5, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN  
OFFICE OF POLICE ACCOUNTABILITY 

CASE NUMBER: 2023OPA-0034

### 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	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

### EXECUTIVE SUMMARY:

The Complainant and Named Employee #1 (NE#1) are former spouses. On January 13, 2023, the Complainant had a temporary protection order (TPO) in effect against NE#1. The Complainant alleged NE#1 violated the TPO. The Complainant stated she was at the gym when NE#1 came within ten feet of her before she asked him to leave.

### ADMINISTRATIVE NOTE:

On May 14, 2024, the Office of Inspector General (OIG) certified this investigation as objective and thorough. OIG declined to certify this investigation as timely because the investigation was submitted after the 180-day investigation period expired on August 10, 2023.

OPA acknowledges the untimeliness of this investigation. In a short window of time, the Complainant filed multiple reports against NE#1 with both police and sheriff departments concerning three different incidents. These reports triggered multiple OPA cases, which were tolled during the criminal processes.<sup>1</sup> OPA miscalculated the tolling provisions in this case. Regardless of the timeliness issue, OPA would not have recommended sustained findings in this case.

### SUMMARY OF INVESTIGATION:

NE#1 self-reported he was contacted by a local police department (LPD) and informed he was the subject of a criminal investigation. NE#1 reported he went to the gym where he regularly worked out, saw the Complainant on a treadmill, and immediately left in compliance with the terms of the TPO. NE#1 wrote the Complainant called LPD and reported he violated the order.

<sup>1</sup> 2022OPA-0278; 2022OPA-0282; 2023OPA-0034.



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OPA investigated the complaint by reviewing the LPD case investigation, including the Complainant's statement, reports, and gym security video. OPA also interviewed NE#1.

#### Case Investigation

The LPD investigation showed the following.

The Complainant called 911 to report that NE#1 violated the TPO. An LPD officer spoke with the Complainant over the phone. The Complainant said she had a TPO against NE#1 that restrained NE#1 from assaulting, harassing, following, or stalking her, and specifically prohibited NE#1 from being within 1,000 feet of her.<sup>2</sup> The Complainant said she was at the gym using a treadmill closest to the front door. The Complainant said she saw her son—who was a child in common with NE#1—sitting at a gym table. The Complainant said her son pointed out that he was there with NE#1. The Complainant said NE#1 approached her, coming within ten feet, before she asked him to leave, which NE#1 did.<sup>3</sup>

An LPD detective followed up with the report by interviewing NE#1 and collecting gym security video.

NE#1 told the LPD detective that he went the same gym he attends every day. NE#1 said he saw the Complainant after he entered the gym and immediately left, waiting outside only briefly as his son needed to use the restroom inside. NE#1 said he did not see the Complainant's vehicle in the parking lot.

The gym video showed—in relevant parts—NE#1 entered the gym, approach the check-in counter, saw the Complainant, then exited the gym. The video did not depict any interaction between NE#1 and the Complainant, nor did the video depict NE#1 intentionally approaching the Complainant. The video depicted NE#1 and the Complainant exiting the gym doors at different times, after which the two walked in different directions in the parking lot.

The LPD detective concluded, "based on the video footage there was not violation of the protection order by [NE#1]."

LPD determined there was no probable cause that NE#1 violated the TPO and did not file charges against him.

#### OPA Interview

OPA interviewed NE#1. NE#1 provided information consistent with his interview with LPD. He denied violating SPD policy, noting he left the gym as soon as he saw the Complainant.

#### **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 undermined public trust by violating the TPO.

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<sup>2</sup> The LPD officer conducted a records check and observed the Complainant and NE#1 had mutual TPOs in place against each other. Both TPOs were confirmed as having been served and in effect.

<sup>3</sup> The Complainant provided a three-page statement to LPD.



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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. Additionally, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” *Id.*

This allegation is unfounded. OPA agrees with the LPD’s assessment and finds NE#1 did not violate the TPO. To the contrary, NE#1 appeared to strictly adhere to the letter and spirit of the TPO. The gym video showed that NE#1 exited the gym immediately after seeing the Complainant. The video also corroborated NE#1’s recollection that he did not see the Complainant’s vehicle, as NE#1 and the Complainant walked in different directions after exiting the gym, suggesting they parked in different areas.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**

**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 violated the TPO.

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

For the same reasons articulated above at Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**