
Issued Date: APRIL 15, 2024**From:** Deputy Director Bonnie Glenn on Behalf of Director Gino Betts, Jr.

Office of Police Accountability

Case Number: 2023OPA-0466

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional

Finding: Not Sustained - Unfounded

2. **Allegation #1:** 5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

Finding: 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 alleged Named Employee #1 (NE#1) attempted to leave the West Precinct with a pair of work boots of Witness Supervisor 1 (WS#1).

Administrative Note:

On April 2, 2024, the Seattle Office of Inspector General (OIG) reviewed this case and certified the investigation as thorough, timely, and objective.

Summary of Investigation:

On October 18, 2023, the Complainant, a precinct captain, filed a Blue Team complaint with OPA for the theft of WS#1's work boots by NE#1. OPA commenced an investigation. OPA reviewed the OPA complaint, email and text correspondence, bank statement, photos and OPA interviews.

a. Complaint

The Complainant wrote that WS#1, a lieutenant, informed him when she came to work to put on her uniform, she noticed her work boots were missing. WS#1 told the Complainant she usually kept her boots under her locker and looked around the supervisor female locker room to find

them. WS#1 stated she did not find her work boots but found her unique green orthotic inserts lying on a chair near her locker.

WS#1 then told the Complainant she went out to the sergeant area to see if somebody borrowed her boots and saw NE#1 and her husband, Witness Officer 1 (WO#1) leaving through the lobby of the precinct. WS#1 told the Complainant that NE#1 and her husband had items in their hands, as NE#1 was moving her things out of the precinct. WS#1 explained she asked NE#1 if she had seen her boots and stated NE#1 turned red and said she couldn't find her boots so she took them and held up WS#1's boots. WS#1 stated she verified that these boots were hers, as they had "red fuzz" inside them from her Washington State University socks. WS#1 described her boots as Under Armor, black, size 8 with an unpolished toe.

The Complainant then went to the women's locker room with WS#1 to get a better idea of what occurred and found a pair of new Under Armor, black, size 8, with a leather toe covered in dust with WS#1. The Complainant explained NE#1 had not been working at the precinct for almost a year so it seemed to make sense that her things would be covered in dust. WS#1 sent a picture of the boots found with the Complainant to NE#1 to see if those were her boots as well as a few other boots located during the search. NE#1 denied that any of the boots texted to her by WS#1 were hers. She explained, her boots were very new and low cut. The Complainant advised his chain of command and the Seattle EEO office regarding this matter and submitted an OPA complaint for theft.

b. Emails

On October 18, 2023, NE#1 emailed WS#1, the Complainant, a guild representative and others regarding the alleged loss of property of NE#1. This case only involves the alleged taking of WS#1 boots. The alleged loss of NE#1's other belongings is not part of this matter.

c. Photos and Bank Statement:

NE#1 provided a bank statement showing she purchased her working boots on or about September 7, 2022 for less than \$200.00. Also, she provided a photo of her boots that were worn at her sergeant promotion.



Photograph of NE#1 on the left wearing her working boots at her sergeant promotion ceremony.



Enlargement: Under Armor, Black, Size 8 with a toe cover.

WS#1 provided a photo of her working boots and inserts that are Under Armor, Black, Size 8 with a toe cover. WS#1's boots had custom made green orthotics and "red fuzz" from her red WSU socks WS#1 wears regularly. It is undisputed that the boots of WS#1 and NE#1 are very similar.

OPA notes that there was some evidence of the difference in the toe cover being unpolished, leather or fabric and was considered in this finding.



On the left is NE#1's wearing her Boots and on the right is WS#1's wearing her Boots.

d. OPA Interviews

WS#1 Interview

On December 11, 2023, OPA interviewed WS#1. WS#1 has been a police officer since January of 2000 and began working at the west precinct since July 20, 2023, as the second watch commander. WS#1 said, on October 18, 2023, she came to work at the west precinct just before 10:00 a.m. WS#1 went to the west precinct's supervisor female locker room to put on her uniform. WS#1 noticed that her boots were missing from where they were usually kept under her locker when she was getting ready to change. WS#1 explained she typically has her shower shoes and work boots lined up underneath her locker. WS#1 began to look around the supervisor female locker room and found her boot inserts were removed from her boots and were sitting on the chair next to the bay of lockers. WS#1 said she has custom orthotics she ordered online that are fluorescent green. WS#1 did a cursory search to see if her boots were in the locker room. WS#1 thought there was only one other female supervisor in the precinct at that time, a first watch supervisor, who may have needed her boots for maybe some emergent reason, "maybe she borrowed my boots. You know, maybe her boots got covered in biohazard, who knows?" WS#1 then began to walk out to the sergeant's area to ask that sergeant, "have you seen my boots or had anybody been in the locker room." WS#1 left the locker room to go to the sergeant's area and saw NE#1 and her spouse WO#1 carrying NE#1's belongings to include her riot bag and some other things and were getting ready to leave the precinct.

WS#1 said to NE#1, "Oh, [NE#1] ... I see you're getting your stuff, you know, moving on," NE#1

said “yeah”. WS#1 then asked NE#1, “while you were in the locker room, did you happen to see any boots?” NE#1 said, “yes”. WS#1 recalled NE#1 said, “oh, well, I thought they were my boots.”

WS#1 then said, “well, they had custom orthotics inside the boots. How would you remove the boots and think that they were your boots?” Also, WS#1 stated to NE#1 she wears WSU crimson-colored socks every day at work, as the inside of her boots are covered with, “a red like fuzz from socks.” WS#1 said, “... these are my boots.” NE#1 responded, “Oh well, I thought they were mine.” WS#1 then said, “how would you think they were yours? I don’t understand.” WS#1 stated NE#1 responded, “Well somebody took my boots so, I just took whatever boots were sitting there.” WS#1 said, “so are you alleging that I took your boots, and I’ve been wearing your boots, or did you take my boots? I’m not clear on what’s going on here.”

WS#1 recalled, WO#1 said to her, “well, she told me that somebody had taken her boots, so I just told her to take those.” WS#1 then said, “so you took my boots. I want my boots back.”

WS#1 said, NE#1 stated, “well, I – I took the boots, but I thought they were mine.” WS#1 then responded, “well, did you think they were yours, or did you think – you know, let’s—”. “either way these don’t belong to you. Give me my boots back.” WO#1 said, again I told her if somebody took her things she should just take whatever boots were there.” WS#1 recalled NE#1 stating, “those were the same kind of boots I had, so I just took them. WS#1 had to get ready for work and just took her boots and walked back into the locker room.

NE#1 followed WS#1 and tried to engage WS#1 in a conversation; however, WS#1 cut the conversation short. WS#1 said NE#1 and WO#1 left the precinct and after some time lapse, WS#1 was called up to the Complainant’s office, to talk with him and WS#2, a lieutenant. The Complainant explained he received a call from WS#3, NE#1’s supervisor in the traffic unit, that NE#1 alleged that people had gone through her things at the west precinct and taken them. WS#1 said, “Well, I’m not aware of anybody going through her things at the west precinct. I didn’t authorize that. I didn’t even know she had a locker in the locker room still. But what did happen (is) she was walking out of the precinct with my boots”. WS#1 then provided details to the Complainant about what occurred regarding her boots. The Complainant filed a complaint of theft to OPA.

WS#1 stated she explained to the Complainant what she relayed in this interview. Also, she said, the Complainant and her went into the locker room and looked around for any place that she might have left her boots or misplaced them. WS#1 explained, she did find some boots that were similar to the boots that she had and took some photos of them. WS#1 texted photos of the boots they found and asked NE#1 if those were her boots. WS#1 recalled NE#1 stating, “I’m not sure. I don’t know.” Also, WS#1 said, “Well, can you look on Under Armour or Amazon if you ordered them? NE#1 explained, “Oh my orders don’t go back that far.” WS#1 relayed this information back to the Complainant.

WS#1 confirmed the supervisor’s locker room is located within the women’s locker room at the west precinct. Furthermore, that it is not locked and anyone can gain access to it. WS#1

confirmed her boots were Under Armour black boots, size 8 with a fabric toe. WS#1 did not have any type of identification of a serial number or name that could identify her boots with one hundred percent certainty. WS#1 confirmed the photos taken by the Complainant of her orthotics and boots were hers.

WS#1 acknowledged the boots she has are popular boots and are worn by other officers. However, she said her boots were unique in that they had custom orthotics in them and, “they had very distinctive crimson fuzz all over the inside of them that you can see just from looking down at them”. WS#1 explained she is a Cougar, and she always wears Cougar crimson-colored socks at work.

WS#1 did not recall how long NE#1 had been away from the west precinct, but had never been there during her entire assignment there from July through the date of the incident in October. WS#1 stated, “it was happenstance that she passed NE#1 in the hallway, as she was walking out of the sergeant’s area and asked her if she had seen some boots. At that point, NE#1 turned around and WS#1’s boots were in her hands. WS#1 recalled asking NE#1, “Did you happen to see any boots in the women’s locker room? Did you happen to take any? WS#1 said, she turned “bright red” and answered, “Oh, I thought these were mine”.

WS#1 said, NE#1 initially said she thought they were her boots and then said well, I think somebody took my boots, so I just took these boots. After she left the precinct, she became more adamant that she mistakenly took my boots. WS#1 said, that had the Complainant not filed the complaint, she would have done so because she had custom orthotic inserts that were taken out of her boots and those did not belong to her. Also, she believed NE#1 knew they were not hers because the orthotics were not hers, inside of them had red lint and fuzz on the inside, and the boots, “were lined up underneath a locker that’s being used with a lock on it.” WS#1 did not feel NE#1 took the boots accidentally.

WS#1 said she is familiar with her equipment and has been over the years. WS#1 said, she has been an officer for twenty-four years and is familiar with her boots and is 100 percent sure the boots NE#1 had were her boots.

NE#1 Interview

On December 15, 2023, OPA interviewed NE#1. NE#1 has been a police officer for sixteen years beginning December 31, 2023, and was promoted to sergeant on September 12, 2022. NE#1 worked at the west precinct on second watch for about a month and a half before leaving. NE#1 is currently “on loan” to the traffic unit. NE#1 said, the last day she was in uniform and worked at the west precinct was in November of 2022. NE#1 said, between November of 2022 until the day of this incident she left all of her “patrol stuff, everything” in her locker and her work boots were left on the floor in front of her locker in the women supervisors’ locker room.

NE#1 returned to the west precinct on October 18, 2023, to collect some of her belongings because she was going to start working some overtime shifts. Upon leaving the west precinct, NE#1 left her locker unlocked and her work boots on the floor beneath her locker. NE#1 said, “My

boots are there because I don't like germs in my locker." NE#1 described her work boots as black, size 8, Under Armour ankle boots, that were a mid/combo.

On October 18, 2023, NE#1 said, she walked into the west precinct approximately at 9:20 a.m. or 9:30 a.m. with her spouse, WO#1, to load up some of her stuff to take back to the traffic office so she could work some shifts. They both went to the sergeant area which is its own separate area. NE#1 went to her desk to obtain her back packs and items, but they were not there. WO#1 agreed to look for her "desk stuff" for her and NE#1 went to grab her uniform from the women's locker room supervisor's area. NE#1 opened her locker and put some things into a box. NE#1 noticed her working boots, which she kept on the floor outside of her locker were not there.

NE#1 immediately looked around for her boots and only saw one pair of boots that were across from her locker. NE#1 said, they look like my boots. When she picked them up, she noticed that there were some green super feet in them and set them back down. NE#1 then goes back out and talks to WO#1 and another officer WO#2 and said, "Hey, I can't find my boots. They're not in the locker room, I looked at some boots right by my locker, but they have somebody's super feet in them." WO#1 tells NE#1, "we'll go check again." NE#1 goes back to look around, without opening any lockers. NE#1 goes out and talks to WO#1 and WO#2 and says, "Hey, I think these are my boots". WO#1 says, "well, your boots have been unattended for eight months. Someone could have assumed that you weren't using them and then used them and put their feet in them." WO#1 says, "go get the boots, take the super feet out because you just need your boots back." NE#1 then, "went and got her boots". WO#1 found NE#1's personal backpack in the sergeant area that had some of NE#1's belongings from her desk. NE#1 and WO#1 were getting ready to take NE#1's belongings from the precinct when WS#1 approached them and said, "Hey, I think those are my boots." NE#1 responds, "Are you sure?" "Because mine are gone and these are right by my locker." NE#1 recalls WS#1 said, "Yeah, they had my orthotics in them." NE#1 then tells WS#1 that if she believes these are yours, I'm going to give them back and tells her that "her boots are missing and are the same size, make, model everything." WS#1 says, "Okay, did you check in the locker room?" NE#1 said, "Yeah, this will be my third time checking." WO#1 said to WS#1, "I told her to take the boots because hers are missing and they're the same exact ones as these that she just bought when she got promoted." WS#1 said, "Okay, well, let's go check the locker room." NE#1 and WS#1 went back in the locker room together to look around for a pair of boots. During this time, NE#1 told WS#1 that her desk had been completely cleared out and nothing was in her drawers and all her photos were taken. Furthermore, NE#1 said to WS#1 that she found her backpack but is not sure all that is in it. NE#1 explained she reported the loss of property to WS#1 because she is her precinct chain of command, while she is on loan. NE#1 and WO#1 both left the west precinct and went back to Park/95 at SPD. Over the next three hours, WS#1 texted NE#1 photos of different boots located in the precinct that could have been hers. NE#1 reviewed the photos and denied that any of the photos texted by WS#1 were not her boots. NE#1 described her boots as "short," "They're short length ... they're brand new. NE#1 said, "I've only worn them for a month and a half. They're brand new". WS#1 asked NE#1 if she has the order number of her boots and NE#1 stated, "... Under Armour doesn't go past a year but I have my credit card receipt for purchasing my boots." NE#1 confirmed she bought her boots through Under Armour and not on Amazon.

NE#1 arrived at the traffic unit at Park/95 and did not find all her belongings in the items she retrieved from the precinct. NE#1 reported to her current chain of command, WS#3, that she had some items missing and what had occurred at the precinct while trying to retrieve her items. WS#3 said he would see what he could do to assist with finding NE#1's missing belongings. WS#1 texted NE#1 during this time and said, "Hey, are these your boots and I'm like no, I don't know if these are my boots or not." NE#1 sent WS#1 a final text around 3:00 p.m. NE#1 said, "Hey, I reported it to my chain of command and let's not discuss this further." NE#1 said it was approximately 11:00 a.m. when she made her report to WS#3 and he called the Complainant. At approximately 6:11 p.m., NE#1 sent another email to several individuals regarding her missing boots and belongings. This was sent to the Complainant, WS#1, and several other SPD officers and personnel. NE#1 received a response from the Complainant stating, they already filed a complaint of theft with OPA and not to contact WS#1 anymore.

NE#1 did not believe any of the boots in the pictures WS#1 sent to her via text messages were her boots and, as the time of her interview with OPA, NE#1's boots had not been found. NE#1 acknowledged that the women's supervisor's locker room is not locked. NE#1 confirmed that anyone who enters the larger locker room for officers and detectives can simply walk into the smaller supervisor's locker room.

NE#1 opined, "[she] want[ed] to make it very clear, that "if [she] wanted to steal the boots, [she] would have taken the orthotics too... I wanted my boots back ... I left her orthotics because I didn't think the orthotics were mine." "I thought the boots were mine. And that being said, it is not like I can't afford a pair of new boots..."

NE#1 purchased her working boots on September 7, 2022, a week prior to her promotion and provided documentation of the purchase of her boots. NE#1 confirmed the boots are popular and said, WS#1 has the same type of boots she does. NE#1 acknowledged her boots did not have any type of specific identification that could clearly identify them as hers with one hundred percent certainty.

NE#1 confirmed that WS#1 saw WO#1 and her in the west precinct with a bunch of NE#1's belongings, including her riot bag on the date of the incident. NE#1 said, she told WS#1 her boots were missing and gave her back her boots. NE#1 recalled WS#1 saying, "Hey, those are my boots because I had them in my hand. I literally was holding on to them in my right hand." NE#1 disputed she turned around for WS#1 to see she was holding the boots on the day of the incident. NE#1 explained she had the boots in her right hand when they saw each other at the precinct. NE#1 is adamant that she only told WS#1 that she couldn't find her boots. NE#1 denied someone took them.

WO#1

Investigators considered interviewing WO#1, and learned he was out on leave pending a retirement. OPA did not interview him.

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 for the alleged theft of WS#1 boots.

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.

Here, the Complainant alleged that NE#1 was unprofessional when she took the boots of WS#1 and was less than candid when questioned. In review of the facts in this matter, the evidence was unclear whether NE#1 intentionally tried to deceive WS#1 or was reasonably mistaken when she picked up WS#1’s boots. The photographic evidence and testimony of the parties both show that this type of boot was common, and the boots in question were significantly similar in color, size, make and model. Perhaps it was poor judgment to take the boots without closer inspection to establish with certainty they were hers; however, inattentiveness does not equate to an intent to deceive. Based on the totality of the circumstances, OPA finds the evidence fails to establish more likely than not, that this conduct was unprofessional and undermined public trust.

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 attempted to unlawfully take WS#1 boots without permission.

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

Here, the complaint alleged that NE#1 intentionally attempted to take the property of another, WS#1’s boots, without her permission. Based on photographic evidence and testimony, NE#1 believed the boots were hers and argued the boots were similar in color, size, make and model. Also, WS#1 does not dispute the boots in question are very similar to that of NE#1’s and that this style of boots are popular in SPD. Furthermore, NE#1 opined if she wanted to steal WS#1’s boots she would not have taken the orthotics out and left them inside the boots or could have easily purchased another pair of boots. As stated above, closer inspection would have been prudent and inattentiveness does not equate to an intentional violation of the law. Based on the totality of the circumstances, OPA finds the evidence fails to establish more likely than not, that NE#1 intentionally attempted to take the property of WS#1 and failed to adhere to law and policy. See SMC 12.08.060.

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

Recommended Finding: **Not Sustained - Unfounded**