



Issued Date: APRIL 27, 2024

From: Deputy Director Bonnie Glenn on Behalf of Director Gino Betts, Jr.

Office of Police Accountability

Case Number: 2023OPA-0483

Allegations of Misconduct & Director's Findings

Named Employee #1

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

Finding: Not Sustained - Inconclusive

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

Finding: Not Sustained - Inconclusive

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), an unknown employee, removed items from her desk and locker without permission and that some of her property was stolen.

Administrative Note:

On April 22, 2024, the Office of Inspector General (OIG) certified this investigation as thorough, timely, and objective.

Summary of Investigation:

On October 30, 2023, the Complainant—an SPD sergeant—sent OPA an email. In the email, the Complainant outlined her concerns regarding both a report of missing/stolen property that she made to Witness Employee #1 (WE#1) on October 18, 2023, and an OPA complaint filed against the Complainant for allegedly stealing WE#1's boots. This complaint was investigated under OPA case number 2023OPA-0466. The Complainant also forwarded a copy of her October 18 missing/stolen property report and six screenshots of text messages between the Complainant and WE#1.

OPA opened an investigation. OPA reviewed the OPA complaint, October 18 missing/stolen property report, and the six screenshots of text messages. OPA also interviewed the Complainant, WE#1, and Witness Employee #2 (WE#2).

On October 18, 2023, the Complainant emailed WE#1 and a precinct captain, copying Seattle Police Officers' Guild (SPOG) representatives. The Complainant wrote she came to the precinct to retrieve items from her locker, desk, and personal backpack (which was near her desk). The Complainant wrote her desk had been "cleared out," and items from her desk had been placed in her personal backpack. The Complainant wrote some items were still missing, including paperwork, a "Yeti" tumbler, an unknown amount of money, and her patrol boots. The Complainant alleged policy violations for violations of law (theft) and the SPOG collective bargaining agreement (CBA).

OPA reviewed the six screenshots of text messages between NE#1 and WE#1. Several of these consisted of WE#1 sending the Complainant pictures of boots, asking if they were hers. WE#1 also speculated the precinct stationmaster may have been "trying to clean up and make room for new supervisors and moved them?" The Complainant responded that other items had been cleaned out of her desk and she notified her chain of command.

The Complainant stated she returned to the precinct to collect her items, which she left in and around her desk. The Complainant had been reassigned to a different command on loan at least four months before October 18, 2023. The Complainant found her items were missing from her desk, though some were inside her personal backpack, which was adjacent to her desk. The Complainant stated she was not notified that her desk was going to be cleared. The Complainant recalled finding a pair of what she believed to be her boots, but which turned out to belong to WE#1. The Complainant stated she never found her boots, which had been outside her locker. The Complainant described her desk as in the middle of the precinct and anyone with access to the precinct could have accessed her desk. The Complainant said her desk was not shared until she left and WE#2, an acting sergeant, used the space. The Complainant noted that some of her personal photographs were located and returned to her.

WE#1 stated she has been assigned to this precinct since approximately July of 2023. WE#1 learned the Complainant had been assigned to another area in SPD, sometime prior to July of 2023. WE#1 did not recall seeing the Complainant at the precinct prior to October 18, 2023, when the Complainant came to collect her personal belongings. WE#1 recalled recovering her boots from the Complainant, which is the subject of OPA case 2023OPA-0466. WE#1 confirmed anyone with access to the precinct could have accessed the Complainant's desk and there is no formal process for assigning desks. Furthermore, WE#1 explained the Complainant's desk was located with other desks in an open space area that is unsecure. WE#1 confirmed the Complainant's desk was also used by WE#2 and possibly others. WE#1 stated she may have heard WE#2 consolidated some of the Complainant's items, but she did not have any other information concerning the Complainant's missing property.

WE#2 is assigned as an acting sergeant, a position he assumed after the Complainant was reassigned. WE#2 admitted moving some of the Complainant's property from the side of the desk into the Complainant's backpack. WE#2 denied entering the desk to do so. WE#2 stated all the Complainant's items were already consolidated on the side of the desk and had been for nearly a year. WE#2 stated he needed the desk space, so he put the items in the Complainant's backpack. WE#2 denied having any knowledge of the Complainant's boots, money, or water bottle and stressed he only moved items that were on the side of the desk into the Complainant's backpack.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

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

The Complainant alleged an unknown employee stole her property and entered her desk in violation of the CBA.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. Employees must also adhere to CBAs and labor laws. *See id.* The CBA for members of SPOG states employees have a reasonable expectation of privacy in their assigned lockers and desks. *See* SPOG CBA, article 4.5. Bureau Commanders and, in exigent circumstances, lieutenants and above may order inspections of lockers and desks in certain circumstances. *See id.*

OPA was unable to identify an employee that stole the Complainant's property or entered her desk. As noted by the Complainant and WE#1, anyone with access to the precinct could have accessed her desk or her boots (which she did not keep secured in her locker). Moreover, the Complainant had been absent from the precinct for at least four months, and her property could have been stolen—or simply relocated or misplaced—at any point during that timeline. While the Complainant's property could have been removed as part of an ordered inspection or search—a possibility, but one OPA was unable to corroborate—it could just as easily have been done by an administrative employee or sergeant to clean the area or find space to work. Similarly, the Complainant's boots may have been stolen, or plausibly could have been misplaced or mistaken for another officer's boots.

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

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

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

The Complainant alleged an unknown employee behaved unprofessionally by entering her desk, moving her items, and taking her property without permission.

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.)

For the reasons articulated above at Named Employee #1, Allegation #1, OPA recommends this allegation be Not Sustained – Inconclusive. To the extent WE#2 admitted to having moved the Complainant’s items that were already on the side of the desk, this action appeared reasonable to accommodate his need for workspace and to consolidate her items. Also, WE#2’s actions appeared to have protected the Complainant’s property by securing it inside her backpack. OPA did not classify any allegations against WE#2 for this reasonable, minimal action.

Recommended Finding: **Not Sustained - Inconclusive**