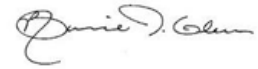


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**Issued Date:** JULY 1, 2024

**From:** Deputy Director Bonnie Glenn on Behalf Of Director Gino Betts, Jr.  
Office of Police Accountability



**Case Number:** 2024OPA-0013

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

### **Named Employee #1**

- 1. Allegation #1:** 5.001 - Standards and Duties 14. Retaliation is Prohibited  
**Finding:** Not Sustained - Unfounded (Expedited)

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### **Named Employee #2**

- 1. Allegation #1:** 5.001 - Standards and Duties 14. Retaliation is Prohibited  
**Finding:** Not Sustained - Unfounded (Expedited)

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

### **Executive Summary:**

The Complainant alleged SPD as a whole and two supervisors in the Education and Training Section, Named Employee #1 (NE#1) and Named Employee #2 (NE#2), retaliated against him by requiring him to carry a different less-lethal tool until he could be certified on a new version of Taser.

### **Administrative Note:**

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On May 3, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

### **Summary of Investigation:**

The Complainant was on leave from SPD for an extended period including the entirety of 2023. During the time the Complainant was on leave, SPD began planning to transition from an older

version of the Taser less-lethal tool (the “X2”) to a new version of the Taser (the “Taser 10”) during 2024.

NE#2 submitted an internal Blue Team complaint on behalf of the Complainant, which documented a series of emails, which OPA also reviewed. The Complainant emailed NE#1 to learn what training he needed to complete to return to full duty status after his leave. NE#1 replied listing the requirements, one of which was attending a “new user” course to transition to the Taser 10. This was required because the Complainant did not qualify with the X2 in 2023 because he was out on leave. NE#2 noted in the Blue Team that the Education and Training Section subsequently changed this requirement to allow all past X2 users to transition to the Taser 10 regardless of their 2023 qualification status without completing the “new user” course. NE#1 wrote that, until the new user course for the Taser 10 was completed, the Complainant would need to carry a different less-lethal tool. The Complainant replied that the decision to have him attend the new user course was “punitive and punishment” against him, alleging the “[d]epartment allowed and encouraged a workplace violence situation against him, which were previously investigated by OPA involving a former SPD employee to whom he was related. NE#1 explained there were no X2 courses scheduled for 2024 and that all officers who did not qualify with the X2 in 2023 were required to take a new user course. NE#1 noted there were “dozens” of officers who also needed to take the new user course. The Complainant also wrote that he felt “the [SPD] process is punitive, not [NE#1] specifically.” NE#2 wrote the Complainant and explained the Taser transition process (as it existed at the time), reiterating that the Complainant was being treated consistently with all other Taser users who did not recertify on the X2 in 2023.

OPA interviewed the Complainant with his SPOG representative present. The Complainant explained the circumstances surrounding his leave and his confusion when he returned. The Complainant stated no one had been able to tell him what he needed to do to return to full duty. The Complainant said he reached out to NE#1 to learn what training requirements he needed to complete to return to full duty. The Complainant explained his confusion at the “new user” training requirement for the Taser 10 as he has been a Taser officer for years, so he felt the department was retaliating against him for being on leave. The Complainant also noted he was upset that this became an OPA complaint, as he did not intend to make a complaint against any specific individual. The Complainant denied that there were any actions or conversations that caused him to believe he was being retaliated against. The Complainant also denied that there was anything specific to this Taser certification issue that he felt was retaliatory, noting that he was frustrated with the entire situation. The Complainant noted he had been working with Human Resources and others with his concerns.

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## **Analysis and Conclusions:**

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

#### ***5.001 - Standards and Duties, 5.001-POL 14. Retaliation is Prohibited***

The Complainant alleged the named employees retaliated against him.

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities

including, but not limited to, “oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy” or “who otherwise engages in lawful behavior.” *Id.* Retaliatory acts are defined broadly under SPD’s policy and include “discouragement, intimidation, coercion, or adverse action against any person. *Id.*

Based on review of the evidence provided, by a preponderance of the evidence, this allegation is unfounded. The Taser policy and training scheduled existed prior to the Complainant’s return to duty and he was not the only employee who had to work around this issue. Training for alternative less lethal tools, such as OC spray and batons, was being offered. Moreover, the requirement that the Complainant took issue with was ultimately withdrawn.

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

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

***5.001 - Standards and Duties, 5.001-POL 14. Retaliation is Prohibited***

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

Recommended Finding: **Not Sustained - Unfounded (Expedited)**