
Issued Date: JULY 8, 2024

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



Case Number: 2024OPA-0027

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

Finding: Not Sustained – Management Action (Expedited)

Named Employee #2

2. **Allegation #1:** 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

Finding: Not Sustained – Management Action (Expedited)

Named Employee #3

1. **Allegation #1:** 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

Finding: Not Sustained – Management Action (Expedited)

Named Employee #4

1. **Allegation #1:** 5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

Finding: Allegation Removed

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:

An anonymous Complainant alleged SPD's chain of command failed to report the police referred domestic violence charges against an SPD student officer (Student #1) to a prosecuting attorney's office.

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.

Specifically, following the intake investigation, OPA determined that minor misconduct possibly occurred but was not willful and resulted from a gap in policy and training. See OPA Internal Operations and Training Manual 5.4(B)(iv). "Where an Expedited Investigation is contemplated for the purpose of issuing a MAR, the following elements must be met: (1) there is a clear gap in policy and/or training or a pattern of officer behavior that suggests a systemic practice; (2) the conduct at issue is a result of a gap in policy and/or training or consistent with the identified systemic practice; (3) there is no evidence indicating willful misconduct; and (4) the matter is best addressed with a MAR." *Id.*

On February 22, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On January 8, 2024, OPA received an email from an SPD Human Resources (HR) civilian manager requesting an update on a case, noting, "I think there was an arrest involved." The subject line of the email was the name of Student #1. OPA determined it did not have an open case matching that description. OPA verified that Student #1 had been contacted by the Pullman Police Department (PPD) following a domestic incident. Although Student #1 was not placed under arrest, PPD referred her conduct to a prosecutor's office to consider for criminal charges. The prosecutor's office declined to charge Student #1, noting they did not have a cooperative victim. Despite a shortened timeline, OPA timely investigated the allegations against Student #1 under OPA case 2024OPA-0028.

Contemporaneously, on January 10, 2024, an anonymous Complainant filed a web complaint with OPA. The anonymous Complainant wrote that, although the Training Section placed Student #1 on administrative leave for "an OPA related reason," it was "unclear whether an OPA referral was made." OPA investigated the complaint, reviewing SPD Training Records, SPD Human Resources Records, OPA Case 2024OPA-0028, and Email Correspondence. OPA also made several phone calls to gather information about Student #1's administrative leave.

Student #1 was involved in a domestic incident on September 1, 2023, at a time when the Assistant Chief of the Professional Standards Bureau was on leave. The Professional Standards Bureau oversees the Training Section, where Student #1 was assigned as a student officer. Named Employee #1 (NE#1) was assigned as the acting assistant chief during this time but was

on vacation. Named Employee #3 (NE#3) was covering as the acting assistant chief. Named Employee #2 (NE#2) was the assistant chief of a different bureau.

The OPA investigator made several phone calls to SPD employees to determine how the information regarding Student #1 was first received. OPA learned that the PPD Police Chief called NE#2 to inform him of the matter. NE#2 referred the information to NE#3. NE#3 confirmed the information by obtaining the PPD incident report. NE#3 began the process of preparing paperwork to place Student #1 on administrative leave. NE#3 then realized NE#1 would be back from vacation the next day and referred the issue to NE#1. NE#1 returned from vacation on September 5, 2023, and was told Student #1 was placed on administrative leave, was provided with leave paperwork, and served Student #1 with the leave paperwork.

OPA reviewed SPD Training and HR records. These indicated Student #1 was served with administrative leave paperwork on September 5, 2024, but did not explain how the information about Student #1 was discovered by SPD. OPA also discovered an email, dated September 5, 2023, titled "Administrative Leave" (September 5 Email). The September 5 Email was sent by NE#3 to NE#1, NE#2, the SPD HR Director, and the OPA Director, as well as another assistant chief, precinct captain, civilian executive assistant, and a training lieutenant. The September 5 Email included the PPD incident report. In the body of the September 5 Email, NE#3 wrote, "Please see attached police report related to the incident from Pullman PD regarding [Student #1]. [NE#1] has returned from vacation and will be handling this morning with the student. Please let me know if you need anything else."

Analysis and Conclusions:

Named Employee #1 - Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

It was alleged that the named employees failed to report Student #1's potential criminal violations of the law to OPA.

SPD Policy 5.002-POL-5 requires supervisors who become aware of a potential policy violation to investigate or refer to the allegations depending on their severity. Minor allegations of misconduct may be investigated by a supervisor, while allegations of serious misconduct – such as "potential criminal violations of law" – must be referred to OPA. See SPD Policy 5.002-POL-5.

Without question, Student #1's potential violation of criminal law constituted an allegation of serious misconduct that required an OPA referral. However, this situation raised at least three different issues for review.

The first is to reemphasize through training and practice that OPA referrals from SPD employees reporting serious misconduct should be sent through Blue Team absent exceptional circumstances. See SPD Policy 5.002-TSK-1 (requiring a Blue Team entry be sent to OPA when an employee reports serious policy violations). Here, the September 5 Email showed multiple members of command—including NE#1, NE#2, and NE#3—were aware of this incident and,

based on the OPA Director's inclusion on the email, would have reasonably concluded an OPA referral had been made earlier or was made by the September 5 Email itself. This is especially the case as the September 5 Email included a copy of the PPD incident report, which included more than enough information for OPA to open a complaint. But policy requires a Blue Team entry, and for good reason. The OPA Director receives many emails and, absent a Blue Team entry, the likelihood that an important referral could be missed is possible.

Second and relatedly, OPA has observed multiple situations where SPD employees have been placed on administrative leave due to criminal investigations, but no Blue Team referral was sent. Instead, the OPA Director is copied on either emails or memoranda that sometimes do not even state the reason an employee is being placed on leave. This recently happened in another case, 2024OPA-0018, where OPA concluded it was unable to sustain allegations that would have been sustained but for untimeliness. To alleviate this issue, OPA and SPD HR recently agreed to a new notice procedure whenever an SPD employee is placed on administrative leave due to a criminal or administrative investigation.

Finally, OPA observed when researching this case that policy does not specifically state which "supervisors" are required to submit the Blue Team complaint to OPA. This is especially confusing in situations such as this one where multiple supervisors are aware of the same potential serious policy violation, but all reasonably believed another processed the OPA referral.

Because of the September 5 Email, OPA cannot conclude any named employee willfully violated policy. Instead, OPA issues a Management Action Recommendation to address the issues articulated above.

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

Recommended Finding: **Not Sustained - Management Action (Expedited)**

Named Employee #2 - Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

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

Recommended Finding: **Not Sustained - Management Action (Expedited)**

Named Employee #3 - Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

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

Recommended Finding: **Not Sustained - Management Action (Expedited)**

Named Employee #4 - Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 5. Supervisors Will Investigate or Refer Allegations of Policy Violations...

OPA added this allegation against an “Unknown Employee” as it was unclear whether any other SPD Supervisors would need to be named in this investigation. Ultimately, NE#1, NE#2, or NE#3 were aware of the information from PPD and took steps to place Student #1 on leave. Following the September 5 Email and Student #1 being placed on administrative leave, it would have been reasonable for any supervisor to presume an OPA referral had already been made.

Accordingly, OPA is removing this allegation as duplicative.

Recommended Finding: **Allegation Removed**