



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 10, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS, JR.
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0126

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-15. Employees Obey any Lawful Order Issued by a Superior Officer	Not Sustained - Unfounded (Expedited)
# 2	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)

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 that Named Employee #1 (NE#1)—a parking enforcement officer—was at the West Precinct in violation of orders prohibiting her from being there.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means 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 employee. As such, OPA did not interview the named employee in this case.

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

SUMMARY OF INVESTIGATION:

On March 18, 2024, the Complainant submitted an OPA complaint, writing that NE#1 was at the West Precinct on March 12, 2024, in violation of orders prohibiting her from being there. The OPA complaint included documentation from 2022, including emails and a memorandum, prohibiting NE#1's presence at the West Precinct.

OPA investigated the complaint by reviewing the computer-aided dispatch (CAD) call report, police report, witness statement, and email correspondence.

On March 12, 2024, at 1:32 PM, CAD call remarks noted, "SUBJ[ECT] RUNNING [WESTBOUND], CHASING ANOTHER [WITH] A FIREARM." Dispatch added NE#1 to the call. A responding officer wrote a police report, noting that NE#1 was the reporting party. NE#1 wrote a witness statement documenting her observations. NE#1 wrote that she was on routine patrol when she saw a Hispanic male with a handgun chasing a Black male. NE#1 wrote that she followed the Hispanic male on her scooter and radioed his physical description and location for responding officers.



In an email to OPA, NE#1 explained the instructions she was given on the incident date. NE#1 wrote that Witness Supervisor #1 (WS#1)—a responding sergeant—directed her to fill out a witness statement form at the West Precinct since she was a witness to the incident. NE#1 wrote that she complied with WS#1's order.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-15. Employees Obey any Lawful Order Issued by a Superior Officer

The Complainant alleged that NE#1 was insubordinate by entering the West Precinct in violation of orders prohibiting her presence there.

Department employees must obey any lawful order issued by a superior officer. SPD Policy 5.001-POL-15. Failure to obey lawful orders from a superior officer constitutes insubordination. *Id.*

As reflected in CAD and police reports, NE#1 was a witness to a possible crime on March 12, 2024. On the same day, WS#1 ordered NE#1 to write a witness statement at the West Precinct. NE#1's presence at the West Precinct was authorized since she was complying with an on-scene supervisor's order. OPA finds, despite the apparent conflict between WS#1's order and prior orders prohibiting NE#1's presence at the West Precinct, NE#1's compliance with WS#1's order was understandable and reasonable under the circumstances.

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

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

Named Employee #1 – Allegation #2

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

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

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