



## CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 3, 2024

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

CASE NUMBER: 2024OPA-0207

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct ...	Not Sustained - Unfounded
# 2	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 4. Retaliation Is Prohibited	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:

OPA alleged Named Employee #1 (NE#1) may have discouraged Witness Employee #1 (WE#1) from filing an OPA complaint. OPA also alleged NE#1 may have retaliated against WE#1 for filing an OPA complaint.

#### ADMINISTRATIVE NOTE:

On October 10, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

#### SUMMARY OF INVESTIGATION:

##### *Background*

OPA previously investigated a professionalism complaint against SPD officer (Officer #1). See 2023OPA-0551. In that case, Officer #1's girlfriend went missing while she was out of state. Two suspects were arrested for kidnapping Officer #1's girlfriend. Later, Officer #1's girlfriend was found deceased and the two suspects were subsequently charged with murder. WE#1 filed a complaint with OPA alleging Officer #1 was unprofessional by (1) failing to assist the out-of-state missing person investigation, and (2) tracking his girlfriend's cellphone without permission. OPA did not sustain WE#1's allegation against Officer #1 but recommended SPD clarify the policy obligations of its employees to report suspected criminal activity and assist with other agencies' criminal investigations.

During her interview in the previous case, WE#1 stated she discussed her concerns about Officer #1 with her immediate supervisor, NE#1. WE#1 stated:

*I told [NE#1] that I felt very strongly that this should be an OPA referral, as there is no ongoing investigation that has come up that this would compromise, and I am a mandatory reporter. He said to me that I was covered because I had had a conversation with him and [he had] been directed not to make the OPA referral. I said, "well, I don't feel comfortable with that." He said that an OPA referral will be based on rumors, speculation, and a fishing expedition. Before I could ask if he was ordering me not to make an OPA referral, he got off the phone.*



WE#1 stated another supervisor directed her to file the OPA complaint, which she did. WE#1 stated she told NE#1 about this:

*So, I then called [NE#1]. I said, "you know, this is not this has not been sitting well with me I have some real concerns about all of this situation and now we have somebody who's been murdered, and I've referred this to OPA." His response to me was that he was going to send me to OPA for insubordination.*

#### *Complaint*

OPA opened an investigation to review whether NE#1 improperly discouraged WE#1 from filing an OPA complaint or retaliated against her for threatening her with an insubordination allegation for doing so.

OPA reviewed OPA case file 2023OPA-0551, text messages, email correspondence, and WE#1's notes. OPA interviewed WE#1 and NE#1. OPA also interviewed NE#1's supervisor, Assistant Chief #1 (AC#1).

#### *Witness Employee #1*

OPA reviewed WE#1's interview from case 2023OPA-0551, notes WE#1 provided documenting her involvement in these cases, as well as text messages and emails provided by, WE#1. These showed the following.

On Friday, December 15, 2023, WE#1 held a meeting with her subordinates, including Officer #1. During this meeting, Officer #1 stated his girlfriend was missing after she travelled to Las Vegas. Officer #1 noted his girlfriend's phone—which he was tracking—had been turned off. Officer #1 noted that at least one person (Suspect #1) had been arrested for kidnapping his girlfriend as that the FBI was involved. Officer #1 also stated that Suspect #1 was involved in sex trafficking and that his girlfriend was also dating someone else who treated her like "crap" but gave her money.

WE#1 reached out to a detective at the Las Vegas Metropolitan Police Department (LVMPD) who stated they would get back to WE#1 on Monday. WE#1 also called Lieutenant #1 in the Investigations Bureau, who referred WE#1 to a Major Crimes Unit sergeant. The Major Crimes sergeant provided information to WE#1 indicating Officer #1's girlfriend might have been gang-involved. WE#1 briefed her acting Captain, who contacted NE#1. NE#1 was WE#1's full-time captain, but NE#1 was out of the office. The acting Captain told WE#1 that NE#1 wanted her to write up a summary of the information to brief the OPA director on Monday. WE#1 notes included the following:

*1957 HRS: Acting Captain [] called me back and told me per [NE#1], to type up any notes regarding the day's occurrences and put them on [NE#1's] desk. He stated [NE#1] would be in on Monday, 12.18 and would be confer with me and then refer this matter to OPA.*

Later that evening, WE#1 texted NE#1 a news article concerning Suspect #1's arrest.

On Saturday, December 16, 2023, WE#1 began preparing a summary for NE#1. At 1:52 p.m., NE#1 texted WE#1 and the acting Captain the following:

*I briefed [AC#1] on the situation. He wants us to treat [Officer #1] with wellness, and nothing more. I just got off the phone with [Officer #1] to see how's he doing. Not great, but wants to work. [AC#1] will check with [Assistant Chief #2] on the investigation.*



WE#1 called NE#1 to discuss her concerns about “the possibility of policy violations and/or criminal conduct.” According to WE#1, NE#1 told her that AC#1 was upset WE#1 reached out to the Major Crimes sergeant. According to WE#1, she explained that she originally reached out to Lieutenant #1, but learned Lieutenant #2 oversaw the appropriate unit. WE#1 described Lieutenant #2 as “not...the most responsive,” so she reached out directly to the Major Crimes sergeant because she knew he would be working on a Friday night and she believed the matter was urgent.

On Saturday, December 17, 2023, Officer #1 informed WE#1 that a second individual—Suspect #2—had also been arrested in connection with his girlfriend’s disappearance. Officer #1 told WE#1 that his girlfriend knew Suspect #2, who was gang-involved. Officer #1 also noted Suspect #1 and, possibly, his girlfriend had recently witnessed a double homicide, but there was “some kind of beef” between Suspect #1 and his girlfriend “maybe related to snitching or having information that put people at risk.” Later, Officer #1 told WE#1 that his girlfriend had been found deceased. WE#1 texted NE#1

*[Officer #1] shared with me today that his girlfriend’s father called him and told him she was going [sic] deceased. He went home for the day.*

According to WE#1, she then spoke with NE#1, who stated he would brief AC#1 and let WE#1 know “if any direction had changed.” WE#1 texted NE#1:

*Per our conversation about victims being kidnapped and possible retaliation etc. – I am not certain if [Officer #1] should be concerned for his own safety. Just a thought.*

NE#1 did not respond to this text message.

On Monday, December 18, 2023, WE#1 received an email from LVMPD with contact information for their homicide lieutenant. WE#1 spoke with the LVMPD lieutenant, who relayed their unfamiliarity with Officer #1. The LVMPD lieutenant also noted that Officer #1’s girlfriend was “definitely a victim in this homicide but was deeply involved in many nefarious activities,” and “had some dangerous associates.” WE#1 also documented reaching out to the SPD Intelligence, Legal, and Human Resources Units to confirm whether an investigation was ongoing concerning Officer #1. WE#1 then spoke to NE#1. WE#1 documented their conversation as follows:

*I spoke with [NE#1] and reiterated my concern about [Officer #1]. I explained what I’d learned from LVMPD and that according to [Intelligence Unit Lieutenant #3] SPD had no active investigation going on at this point.*

*[NE#1] was not at work. [NE#1] called me. [NE#1] said he thought he was clear that he’d told me not to talk to anyone. I said no, you said you were upset that I’d spoken with a Sergeant. [NE#1] was very angry.*

*I asked him what the harm was in OPA referral, and he stated that it would be based on rumors, speculation, and a fishing expedition. [NE#1] told me that I’d fulfilled the reporting obligation by reporting the matter to my chain of command. Before I could ask if he was ordering me not to make an OPA referral, he said he had to leave and hung up on me.*



At about 12:01 p.m. on December 18, WE#1 responded to an email from Lieutenant #3 with, "I've been told by [NE#1] that I am no longer to communicate with anyone about this case. To include you and the Las Vegas Police Department." According to WE#1, she later confirmed with SPD Legal that there was no investigation concerning Officer #1's possible involvement and there was uncertainty whether any OPA referral would be made for Officer #1 associating with criminals or possible policy violations.

On Tuesday, December 19, 2023, WE#1 noted she would be transferring to a new unit the next day. WE#1 called her the captain of her new unit and explained the situation. According to WE#1, after a "lengthy conversation," the captain of her new unit ordered WE#1 to make an OPA referral. WE#1 made the OPA referral and then called NE#1 to inform him that she had done so. According to WE#1, NE#1 responded:

*I ordered you not to talk to anyone about this case. I told [AC#1] and [AC#2] that I thought you would not abide by this. I am very disappointed in you. You've disobeyed a direct order and I am going to send you to OPA for insubordination.*

WE#1 then updated members of the SPD Legal and Intelligence Units.

In her OPA interview, WE#1 denied that NE#1 ordered her not to speak to "anybody" about the case but, instead, understood NE#1 was upset that she had spoken to a lower-ranked SPD member—the Major Crimes sergeant—outside the chain of command. WE#1 expressed her concern at the "underreaction" by the chain of command treating the issue only as a wellness issue. WE#1 stated that at no point did NE#1 assure her the matter was being taken seriously and elevated to interagency coordination and that she needed to "stand down." WE#1 also stated that NE#1 threatened to report her to OPA for insubordination immediately after she informed him, she had reported Officer #1 to OPA. WE#1 stated, in context, she understood this to mean she would be reported for her OPA referral, not for communicating with LVMPD. WE#1 also stated she felt any OPA screening done by the chain of command prior to her own OPA referral would not have been fully informed as facts were still being gathered.

#### *Assistant Chief #1*

OPA interviewed AC#1. AC#1 stated that, after he was notified that Officer #1's girlfriend disappeared, he notified the then-Chief of Police and other members of command staff. AC#1 said a collective decision was made to have Lieutenant #3 coordinate with the LVMPD. AC#1 stated he ordered NE#1 to tell WE#1 the following:

*say that he passed it on the information to the chain of command. That we were taking care of it and that we had ... we're about to reach out to Las Vegas Metro Police Department, and that we should not, at this point, not treat [Officer #1] as a suspect ... we will give him all the support through peer counseling or the wellness unit, and that [WE#1] was to offer him all those things, until we would hear through [Lieutenant #3] that that was not the case.*

AC#1 also recalled screening the incident over the phone with the OPA Director, who noted that Officer #1 had already been the subject of an investigation due to his association with his girlfriend. AC#1 stated he told the OPA Director that he would provide an update if any information of wrongdoing came back from LVMPD, but that he and the OPA Director agreed there was no reason to open a case absent information of criminal involvement by Officer #1.

AC#1 stated that NE#1 later told him that WE#1 had "taken it upon herself" to reach out to LVMPD. AC#1 stated he told NE#1 to relay to WE#1 that Lieutenant #3 in the Intelligence Unit would be the single point of contact for the



LVMPD. AC#1 said he ordered NE#1 to treat Officer #1 with wellness and peer support as the victim of a crime. AC#1 recalled NE#1 later telling him that WE#1 was continuing to engage with LVMPD detectives. AC#1 explained he was frustrated that WE#1 was not obeying his orders.

AC#1 denied giving any direction concerning WE#1 filing an OPA complaint, noting that she was free to do so if she wished. However, AC#1 questioned why WE#1 felt a complaint was necessary as he viewed Officer #1 as a grieving employee. AC#1 did not recall telling NE#1 not to disclose to WE#1 what steps the chain of command was taking but noted the incident was a personnel issue that carried an expectation of confidentiality, which he did not feel he needed to explain to NE#1.

AC#1 explained his understanding that NE#1 genuinely felt WE#1 was insubordinate for continuing to speak with LVMPD officers. AC#1 recalled NE#1 telling him he wanted to file an insubordination complaint. AC#1 responded, "I told him that if he feels that way, he can certainly do a complaint for insubordination." AC#1 elaborated:

*It seemed pretty clear to me, based on my conversations with [NE#1], that [WE#1] defied his direction to not contact Las Vegas PD, I have never heard a good - or any really explanation - why she felt that she needed to do that. Again, given our conversations, I think it was plainly obvious to everyone involved, including OPA, that we were taking this matter seriously and that we were not blowing it off. So, the fact that she just in a vacuum, decided to call [Las Vegas], I think is a direct violation of his direction not to.*

AC#1 also vaguely recalled screening NE#1's insubordination complaint with the OPA director. According to AC#1, the OPA director felt such a complaint could have a chilling effect on SPD members wishing to contact OPA. However, AC#1 expressed uncertainty about the exact details of this conversation.

#### *Named Employee #1*

OPA interviewed NE#1 and reviewed text messages and email he provided. They showed the following.

According to NE#1, during his first conversation with WE#1 on December 16, he learned that WE#1 had reached out to the Major Crimes sergeant and was "researching some of her suspicions that there was human trafficking involved due to prostitution, and wondering what [Officer #1's] knowledge of that was." NE#1 stated that he spoke with AC#1, who told him, "make sure you tell [WE#1] she is not to talk to anybody about this case. She knows better. Let her know I said that. I said, 'I will do that.' I did tell [WE#1] that this is an investigation, and you were not involved in it, and you were not to talk to anybody." In his OPA interview, NE#1 clarified that this statement was referring to the ongoing criminal investigation. NE#1 stated that, after he told WE#1 this, he got the impression she was not going to comply with his order. NE#1 also said he reassured WE#1 that her concerns were being reviewed by the chain of command, who were in conversation with the investigating detectives, and that OPA would be updated.

NE#1 also provided a text message chain between himself and AC#1. In messages dated December 16, 2023, NE#1 asked AC#1 to call him. The two then had this text exchange:

**AC#1:** *While I appreciate [WE#1] thinking ahead, she should know to not ever teach [sic] out below her rank until told specifically to do so*



---

**NE#1:** *Yep, I covered it. Apparently there was some admissions of knowing human trafficking was involved*

NE#1 stated that, when WE#1 told him she had been speaking with Officer #1, he responded: "Oh my gosh, I can't believe you're doing this. How clear can I...could I have been? How clear could [AC#1] have been? You were to talk to nobody!" NE#1 said he reiterated that the order came from AC#1 and AC#2 not to speak to anybody, including LVMPD detective. According to NE#1, WE#1 expressed concern that no one was talking to LVMPD, and NE#1 responded that conversations were happening at higher levels. NE#1 stated he also told WE#1 that OPA was aware of the situation and the prior investigation concerning Officer #1's associations with his girlfriend and her gang-involved associates. NE#1 denied discouraging WE#1 from speaking with OPA but reiterated that he passed down orders that WE#1 was not supposed to dismiss the missing person/murder investigation.

NE#1 elaborated:

*I did not discourage her from filing an OPA complaint. In fact, we were in communication with OPA, and so I assumed that she would be a witness to this and would be asked about it. What I had told her regarding OPA, and I don't think she took it as discouragement, was simply that [AC#1] is in communications with [the OPA director], and we have a meeting scheduled on Monday, and we are going to discuss this and determine if an investigation needs to be done. And so that alleviates you as my subordinate from filing an OPA complaint, but in no way did I discourage her.*

NE#1 also denied threatening to file an OPA complaint against WE#1 based on her OPA complaint. NE#1 said his insubordination concern with WE#1 was always that she was interfering with the murder investigation by speaking with the LVMPD detectives against orders.

NE#1 described discussing his insubordination concern with AC#1. According to NE#1, AC#1 screened the complaint with the OPA director, who expressed concern about a chilling effect it could have on employees in the future, but that ultimately it was up to NE#1 to decide whether to file a complaint. NE#1 stated he elected not to pursue a complaint because WE#1 transferred out of his command, and he felt the issue was moot.

#### **ANALYSIS AND CONCLUSIONS:**

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

##### ***5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 3. Employees Shall Not Discourage, Interfere With, Hinder, or Obstruct Any Person from Filing a Complaint***

It was alleged that NE#1 may have discouraged WE#1 from filing an OPA complaint.

SPD Policy 5.002-POL-3 precludes Department employees from discouraging, interfering with, hindering, or obstructing any person from filing a complaint.

This allegation is unfounded. The preponderance of the evidence does not suggest NE#1 was attempting to discourage, interfere with, hinder, or obstruct WE#1 from filing an OPA complaint. Instead, the evidence suggests NE#1 was unsure an OPA referral was necessary and was aware AC#1 was screening the issue with the OPA director.





Both allegations in this case appear to have resulted from a significant breakdown in clear communication between NE#1 and WE#1. WE#1's perspective was that NE#1, and the chain of command were slow walking her concerns that Officer #1's continued association with his girlfriend, girlfriend's associates, and response to her disappearance were indicative of potential policy violations. NE#1 denied discouraging WE#1 from filing an OPA complaint and, in fact, recalled telling WE#1 that OPA would be updated. Overall, NE#1's perspective was that WE#1's concerns had already been heard, were being evaluated for a potential OPA referral, and were being contemporaneously screened with OPA through the chain of command.

Although no documentary evidence directly corroborates either perspective, two items suggest that NE#1's intent was not to interfere with the filing of an OPA complaint. First, in WE#1's own notes about the incident, she wrote that NE#1's instructions to her were to document the occurrences from the day and put them on NE#1's desk so the two could confer and "then refer this matter to OPA." Second, NE#1 and AC#1's recollections were consistent that AC#1 screened WE#1's concerns with the OPA director over the phone and that there appeared to be insufficient evidence to warrant a complaint at that time, but the situation would continue to be monitored as it developed. Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

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

##### ***5.002 - Responsibilities of Employees Concerning Alleged Policy Violations 4. Retaliation Is Prohibited***

It was alleged that NE#1 may have retaliated against WE#1 for filing an OPA complaint by threatening to file an insubordination complaint against her.

SPD Policy 5.002-POL-4 prohibits employees from retaliating against any person for engaging in lawful behavior, including filing an OPA complaint or cooperating with an OPA investigation. Retaliation is defined broadly as "discouragement, intimidating, coercion, or undertaking any adverse action against any person" for engaging in lawful behavior. See SPD Policy 5.002-POL-4.

There is insufficient information for OPA to reach a finding on this allegation. As discussed above at Allegation #1, NE#1 and WE#1 appeared to disagree on whether an OPA referral was warranted. That said, WE#1 had a right to file an OPA complaint on her own and was protected from retaliation for doing so. Retaliation could include filing—or threatening to file—an OPA complaint against WE#1 for insubordinately filing her own OPA complaint.

NE#1 and WE#1 agree that NE#1 threatened to file an insubordination complaint against WE#1. The two disagree about what the alleged insubordination would have been. WE#1 stated that, in context, she understood the alleged insubordination to have been her filing an OPA complaint. NE#1 stated his concern was always WE#1's continued communication with LVMPD detectives, Officer #1, and others about the criminal investigation. There evidence on this point was contradictory. Although NE#1 and AC#1 were consistent that NE#1 was concerned about the criminal investigation and not the OPA referral, AC#1 was not present for the conversation between NE#1 and WE#1. Also, both NE#1 and AC#1 recalled that AC#1 screened the insubordination allegation with the OPA director. According to both NE#1 and AC#1, the OPA director expressed concern that an insubordination allegation could have a "chilling effect" going forward—this response seems more in line with an insubordination allegation for filing an OPA complaint than communicating with external law enforcement agencies.



---

Because there is contradictory evidence on both sides of this allegation and OPA is unable to determine which side is more credible with sufficient confidence, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**