



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 19, 2024

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

CASE NUMBER: 2024OPA-0229

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	1.110 – Public Information, 1.110-POL-1. General Policy, 2. Except as May Otherwise Be Authorized by the Chief of Police or His or Her Designee, Employees Shall Not Release Information to the Media or Related Outlets Other Than as Prescribed by This Policy	Not Sustained - Unfounded (Expedited)
# 2	1.110 – Public Information, 1.110-POL-1. General Policy, 5. Only Specific Personnel are Authorized to Give a Statement to the Media	Not Sustained - Unfounded (Expedited)
# 3	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:

Named Employee #1 (NE#1) participated in a press conference with Fox 13 and later interviewed with The Jason Rantz Show, defending the police chief against discrimination allegations. Anonymous complainants alleged that NE#1 lacked authorization to speak to the media and undermined public trust in the department.

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 November 4, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On May 23 or 24, 2024, three anonymous complainants submitted OPA complaints, alleging that NE#1 lacked authorization to speak to the media about ongoing litigation and undermined public trust in the department by criticizing "disgruntled" and "racist" employees who were suing the chief.



OPA investigated the complaint by reviewing news articles, a YouTube clip, and NE#1's interview on The Jason Rantz Show.

A Fox 13 clip posted on YouTube showed three community leaders—one of whom was NE#1—defending the chief. NE#1 said she knew the chief's character and denounced the city council for making him appear guilty. NE#1 suggested SPD employees were retaliating against the chief for being passed over for a promotion.

The Jason Rantz Show interviewed NE#1. The interviewer introduced NE#1 as SPD's public safety liaison who was speaking as a community activist. NE#1 stated, after being introduced, "Thank you for having me and letting me use my voice." NE#1 said the coordinated lawsuits against the chief gave the false impression he was guilty. NE#1 opined that disgruntled and untrustworthy employees disliked the chief and retaliated against him. NE#1 also opined that employees were financially motivated to get the chief fired. NE#1 claimed there was racism in the department that the chief aimed to mitigate. NE#1 suggested the city council was tarnishing the chief's reputation. NE#1 voiced support for the chief and suggested the efforts against him were evil, vengeful, and intended to "take him down."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

1.110 – Public Information, 1.110-POL-1. General Policy, 2. Except as May Otherwise Be Authorized by the Chief of Police or His or Her Designee, Employees Shall Not Release Information to the Media or Related Outlets Other Than as Prescribed by This Policy

The complainants alleged that NE#1 lacked authorization to speak to the media about ongoing litigation.

Except as may otherwise be authorized by the chief of police or his or her designee, employees shall not release information to the media or related outlets other than as prescribed by this policy. SPD Policy 1.110-POL-1(2).

For the reasons at Named Employee #1 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

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

Named Employee #1 – Allegation #2

1.110 – Public Information, 1.110-POL-1. General Policy, 5. Only Specific Personnel are Authorized to Give a Statement to the Media

The complainants alleged that NE#1 lacked authorization to speak to the media about ongoing litigation.

Non-authorized personnel shall not provide any substantive information to the media. SPD Policy 1.110-POL-1(5). When the media request an interview with an on-duty employee, officers shall refer media representatives to a public information officer (PIO), on-scene captain, or permanent-rank lieutenant. *Id.*

Although SPD policy limits employees from speaking to the media, the First Amendment generally permits an employee to speak on a matter of public concern as a private citizen. *See Pickering v. Board of Education*, 391 U.S. 563, 568 (1968). However, the speaker's interest must be balanced against the government employer's interest in promoting efficient



service. *See id.* Here, NE#1 spoke on a matter of public concern since the media widely reported on the allegations against the chief. NE#1 spoke as a community leader or activist, not an SPD employee. Finally, there is insufficient evidence suggesting NE#1's comments impacted SPD's ability to provide services to the public. Thus, the First Amendment likely protected NE#1's comments to the media under these specific circumstances.

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

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

Named Employee #1 – Allegation #3

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

The complainants alleged that NE#1 undermined public trust in the department by criticizing “disgruntled” and “racist” employees who were suing the chief.

SPD employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. *Id.*

NE#1's comments reflected her personal opinions, not the department's opinions. As noted above, NE#1 was lawfully entitled to opine on a matter of public concern as a private citizen, so long as it did not disrupt SPD's ability to provide services to the public.

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

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