



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 16, 2024

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

CASE NUMBER: 2024OPA-0267

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...	Not Sustained - Training Referral
# 2	5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional	Allegation Removed
# 3	5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer	Not Sustained - Unfounded

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:

A civilian executive (Complainant) alleged a civilian employee (Named Employee #1 or NE#1) gave a media interview without prior approval after being reminded that SPD policy requires prior authorization.

ADMINISTRATIVE NOTE:

On November 7, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA reviewed the OPA complaint documents, the news article at issue (News Article), email correspondence, and personnel information. OPA also interviewed the Complainant and NE#1.

Prior to being employed by SPD, NE#1 volunteered for SPD doing high-visibility engagement with the community. NE#1 was hired by SPD in December 2023. According to NE#1, she met with the then-Chief of Police (Chief #1) and agreed to accept the role on the condition that she be allowed to give media interviews. NE#1's duties as an SPD employee concerned a public-facing training program, not media engagement.

In the summer of 2024, Chief #1 was replaced by an Interim Chief of Police (Chief #2). The replacement of Chief #1 was the subject of significant media coverage, both before and after it occurred. On or about May 23, 2024, the Complainant participated in a media interview concerning Chief #1.¹ On June 4, 2024, at about 10:00 AM, the

¹ Allegations related to NE#1's participation in the May 23, 2024, interview were investigated under 2024OPA-0229.



Complainant met with NE#1. A sworn assistant chief also attended the meeting. The Complainant was NE#1's second-level supervisor. At the meeting, the Complainant provided NE#1 with a printed copy of SPD Policy 1.110 (Public Information) and was directed to contact their chain of command if they were contacted by the media to provide any comment before giving any statements.

Between 2:29 PM and 3:57 PM on June 4, 2024, they exchanged emails about the meeting. NE#1 emailed the Complainant at 2:29 PM noting their concerns about the earlier meeting. The Complainant responded at 3:03 PM, reminding NE#1 about SPD Policy 1.110, and writing, "At the meeting today, I asked that you send any request for interview up through your chain of command ... or decline comment." NE#1 replied at 3:20 PM, discussing her participation at an upcoming rally, but not mentioning any media interview. The Complainant responded at 3:31 PM, without reference to any media interview. NE#1 replied at 3:57 PM, writing, in part:

I can tell you this since our conversation today someone in the media has contacted me asking for an interview. I let them know That SPD has shut me down. I won't go into all the details but their response back was You called it [NE#1]! I can't control what they do, but they're gonna run a story on me being shut down by SPD.

The News Article was published on June 5, 2024, and concerned Chief #1. The journalist wrote that they "Reached out to [NE#1]," who informed them she was "not allowed to speak to media members anymore," and "had orders that I can not longer do interviews." The News Article noted that NE#1 was not expressly told she would be fired for giving an interview, noting NE#1 remarked "they didn't say it in those words." The News Article quoted NE#1 as noting that if she were fired, she would "have to do a GoFundMe page." The News Article mentioned NE#1's belief that she was being retaliated against for supporting Chief #1.

Since June 5, 2024, NE#1 has requested permission, and been allowed, to participate in some interviews.

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...

The Complainant alleged NE#1 failed to seek authorization to participate in the June 4 interview.

SPD Policy forbids employees from releasing information to the media or related outlets except as authorized by the Chief of Police or policy. See SPD Policy 1.110-POL-1(2). "Non-authorized personnel shall not provide any substantive information to the media." SPD Policy 1.110-POL-1(5).

The Complainant and NE#1 disagreed about whether NE#1 provided "substantive information" to the journalist for the News Article. In her OPA interview, NE#1 described getting a call from the journalist on June 4 sometime after her meeting with the Complainant. NE#1 recalled telling the journalist that she could not participate in the interview, speculating that a Deputy Mayor had told the Complainant to forbid her from participating in interviews, and calling it retaliation for her criticism of the decision to remove Chief #1. NE#1 also recalled telling the Complainant during their meeting that, if she were contacted by the media, she would, "tell them exactly why I cannot do an interview." According to NE#1, the Complainant responded, "Okay." In a follow-up interview with the Complainant, he



acknowledged this exchange occurred, but stated he interpreted it differently. (“I took that to be that she was going to say that she was ordered not to.”).

OPA finds that NE#1 possibly violated this policy by elaborating on her reasons for declining to comment as opposed to either seeking permission to sit for an interview or declining to provide any comment. SPD has important reasons for requiring their employees seek authorization before providing “substantive information” about SPD to the media. At a minimum, it allows the department to guide the employee on what subjects the employee is authorized to speak on behalf of SPD versus which subjects they employee may provide only a personal opinion. Although she disagrees, NE#1 drifted from merely declining to comment into providing substantive information. The News Article contained multiple quotes from NE#1 which formed the basis of the News Article and led to the journalist seeking separate comment from the Complainant and a Deputy Mayor.

However, OPA finds that NE#1’s possible policy violation was not willful. First, both NE#1 and the Complainant acknowledged some confusion about the specific instructions provided to NE#1. The two engaged in a back-and-forth email chain, during which NE#1 immediately told the Complainant about her comments to the journalist. This suggests, at minimum, that NE#1 did not believe her brief conversation with the journalist violated the instructions she had just received. Second, both NE#1 and the Complainant recalled NE#1 telling the Complainant in the June 4 meeting that, if asked for an interview, NE#1 planned to “tell them exactly why I cannot do an interview.” This opened the door to NE#1 providing more commentary than simply declining to comment. Finally, since June 4, NE#1 has sought and received permission to participate in other interviews, again suggesting an intent to comply with policy and instructions.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1’s chain of command should discuss OPA’s findings with NE#1. During this discussion, the chain of command should note that NE#1 has been provided copies of SPD Policy 1.110, and counseled on the same, multiple times. NE#1 must continue to comply with policy by seeking approval from her chain of command before providing the media with substantive information. Any failure to do so going forward may result in a Sustained finding. NE#1’s chain of command should provide any further retraining and counseling that it deems appropriate. The retraining and counseling conducted should be documented in Blue Team.

Recommended Finding: **Not Sustained – Training Referral**

Named Employee #1 – Allegation #2

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

It was alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. SPD Policy 5.001-POL-10. Lastly, the policy states that Department employees, while on duty or in uniform, will not publicly ridicule: “the Department or its policies, other Department employees, other law enforcement agencies, the criminal justice system or police profession. This applies where such expression is



defamatory, obscene, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.” *Id.*

The Complainant’s allegations specifically related to NE#1 giving an interview without authorization immediately after being instructed on policy, and disobeying orders. While this alleged conduct could be considered under the professionalism policy, it is more appropriately analyzed under the Public Information and Insubordination policies.

Accordingly, OPA is removing this allegation.

Recommended Finding: **Allegation Removed**

Named Employee #1 – Allegation #3

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

The Complainant alleged NE#1 was insubordinate by giving an interview to the journalist without prior authorization.

SPD Policy 5.001-POL-15 requires that Department employees obey any lawful order issued by a superior officer. The failure to do so constitutes insubordination.

As discussed above at Allegation #1, at the June 4 meeting, NE#1 told the Complainant that, if asked for an interview, she planned to tell the media, “Exactly why I cannot do an interview.” The Complainant responded, “Okay.” As discussed, NE#1 and the Complainant had diverging understanding of this resolution. While NE#1 possibly violated the written public information policy, NE#1 attempted to resolve the ambiguities in her understanding of the Complainant’s instructions. See SPD Policy 5.001-POL-16 (Supervisors Clarify Conflicts in Orders) and POL-17 (Employees May Object to Orders Under Certain Circumstances). Given this ambiguity, OPA finds that, more likely than not, NE#1’s behavior did not rise to the level of insubordination.

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

Recommended Finding: **Not Sustained – Unfounded**