



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 4, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0290

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 - Standards and Duties, 5.001-POL-14. Retaliation is Prohibited	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:

Sergeant #1 alleged Captain #1 was unprofessional and retaliated against her by speaking to her alone in an office, closing the office door, and asking her about property involved in prior OPA investigations.

ADMINISTRATIVE NOTE:

On September 17, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA investigated this complaint by reviewing the complaint documentation and two prior OPA investigations—2023OPA-0466 and 2023OPA-0483. OPA also interviewed Captain #1.

Captain #1 filed 2023OPA-0466. In that case, Lieutenant #1 alleged Sergeant #1 attempted to steal her work boots.¹ Sergeant #1 denied this, stating she initially believed the boots were hers but, on closer inspection, determined they belonged to Lieutenant #1 and returned them. Sergeant #1 filed her own OPA complaint (2023OPA-0483) concerning her missing boots and other property. Both cases concluded with Not Sustained findings.

During the investigation of the prior cases, two other pairs of boots were located: an "old" pair and a "new" pair. Captain #1 retained these boots while the OPA investigations were ongoing.

After the prior OPA investigations ended, Captain #1 brought the old and new pairs of boots to the precinct where Sergeant #1 and Lieutenant #1 were assigned. He asked Sergeant #1 if her precinct captain (Captain #2) was working

¹ OPA typically identifies parties in its cases with the labels "Complainant," "Named Employee," and "Witness Employee." Here, OPA is using ranks to avoid confusion in discussing the prior cases, in which the various parties played different roles.



that day. Sergeant #1 responded she did not know. Captain #1 entered the sergeants' office area, where Sergeant #1 was working, and showed her the old and new pairs of boots. At some point, Captain #1 closed the door to the sergeants' office area. Captain #1 asked Sergeant #1 whether either pair was hers. Sergeant #1 stated neither pair was hers. Captain #1 then left the office. Captain #1 left both the old and new pairs of boots in Lieutenant #1's office for her to review when she came into work.

Sergeant #1 and Captain #1 perceived this interaction very differently. Sergeant #1 described the sergeants' office area as a large, windowless room with a solid wooden door that locks when closed. She described Captain #1 as "insisting" she take one or both pairs of boots while "placing himself between" her and the door. Sergeant #1 described the interaction making her upset and uncomfortable, causing her to face to get red and her heart to be faster. Sergeant #1 described thinking the interaction was unusual, noting Captain #1 could have sent the boots through an intermediary, and believing he did this as a "set up" to harass, retaliate, and intimidate her. Sergeant #1 also described her concern with the dynamic as she was a lower-ranking female, and Captain #1 a higher-ranking male.

Captain #1 denied the allegations, describing his desire to dispose of the boots after having them in his possession while the OPA cases were pending. Captain #1 stated he inquired with OPA after the cases concluded and was told her was "free to return these boots to the owners."² Captain #1 stated he wanted to return the boots himself because he did not want to involve more people in the incident than necessary. He said he saw Captain #2's vehicle in the precinct parking lot and intended to give her the boots so she could facilitate returning them. Captain #1 said when he could not find Captain #2, he asked Sergeant #1 if she had seen Captain #2. When Sergeant #1 said she had not seen Captain #2, Captain #1 decided to ask Sergeant #1 if either pair was hers. Captain #1 said Sergeant #1 kept looking at the doorway, so he asked her if she wanted him to close the door. According to Captain #1, Sergeant #1 responded, "Yes, I do." Captain #1 said he closed the door, then stood off to the side of the door and pulled the boots out of bags. He said Sergeant #1 walked over to him, inspected the boots, and said they were not hers. Captain #1 recalled saying he would go ask Lieutenant #1 if either pair was hers, then leaving the room. Captain #1 said he was inside the precinct for about fifteen to twenty minutes but spent most of that time talking to other personnel in the building.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

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

Sergeant #1 alleged Captain #1's behavior caused her to feel intimidated, upset, and uncomfortable.

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. Additionally, the policy instructs Department employees to "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.*

On the evidence available, OPA cannot conclude that Captain #1 acted unprofessionally or to retaliate against Sergeant #1.

² OPA was unable to locate a record of this specific communication.



First, even accepting Sergeant #1's version of events as true, Captain #1's actions did not objectively appear to be more than an attempt to return two pairs of boots. It is odd that Captain #1 recirculated the boots to Sergeant #1 and Lieutenant #1—both people had already disclaimed ownership of these and, in any event, an email with photographs of the boots would just as easily have accomplished his goal. But OPA's previous investigation already cleared Sergeant #1 of any wrongdoing and bringing the boots in person was not an unreasonable way to handle the situation. Also, that Captain #1 shut the door while discussing an issue related to prior OPA investigations and stood at an unspecified distance in a "large room" in between Sergeant #1 and the door does not, on its own, suggest unprofessional, intimidating, or retaliatory action.

Second, Captain #1's version of events differs significantly from that provided by Sergeant #1. Notably, Captain #1 recalled shutting the office door at Sergeant #1's request. Captain #1 also stated he did not stand directly between Sergeant #1 and the door and, also, that Sergeant #1 got up and approached him to inspect the boots. Finally, Captain #1 explained he did not originally intend to provide the boots directly to Sergeant #1 or Lieutenant #1 and, instead, intended to give them to Captain #2 for her to sort out with her subordinates. This is corroborated by Sergeant #1's versions of events in which she noted Captain #1 began the interaction by asking if she had seen Captain #2.

Third, Sergeant #1's complaint did not suggest a clear motive Captain #1 would have to intimidate or retaliate against Sergeant #1,³ nor is it obvious why Sergeant #1 would believe Captain #1 would want to intimidate or retaliate against her. In the prior case, Captain #1 appeared only to investigate and refer Lieutenant #1's allegations to OPA, as he was obligated to do under policy. He did not appear to have a personal interest in the ownership of the boots. Also, the allegations against Sergeant #1 were determined to be unfounded. Relatedly, Sergeant #1's allegations were not against Captain #1.

On balance, this appears to have been a misunderstanding. Captain #1 sought to dispose of the boots, originally intending to give the boots to Captain #2 for her to work out. Not finding Captain #2, Captain #1 went directly to both Sergeant #1 and Lieutenant #1. Sergeant #1 was understandably on heightened alert, having just been through a full OPA investigation for allegedly stealing Lieutenant #1's boots—allegations that OPA determined were unfounded. While Captain #1 could have approached this issue with more awareness by giving the boots to an intermediary (as was his original plan) or sending Sergeant #1 or Lieutenant #1 a message with pictures of the boots, he did not violate policy by speaking to Sergeant #1 directly.

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

Recommended Finding: **Not Sustained – Unfounded**

³ OPA offered Sergeant #1 an opportunity to interview, but she asked not to provide a recorded interview and chose to rely on her written complaint as providing all necessary information.



Named Employee #1 – Allegation #2

5.001 - Standards and Duties, 5.001-POL-14. Retaliation is Prohibited

Sergeant #1 alleged Captain #1's actions were intimidating as retaliation for her participation in a prior OPA case.

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, "oppos[ing] any practice that is reasonably believed to be unlawful or in violation of Department policy" or "who otherwise engages in lawful behavior." *Id.* Retaliatory acts are defined broadly under SPD's policy and include "discouragement, intimidation, coercion, or adverse action against any person. *Id.*

For the reasons articulated above at Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained – Unfounded**