



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 24, 2022

FROM: INTERIM DIRECTOR GRAINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0405

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Inconclusive)
# 2	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained (Inconclusive)
# 3	5.001 - Standards and Duties 13. Employees Will Not Use Their Position or Authority for Personal Gain	Not Sustained (Inconclusive)
# 4	5.001 - Standards and Duties 14. Retaliation is prohibited	Allegation Removed
# 5	5.140 - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	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:

The Complainant alleged that the Named Employee (NE#1) used her "connections" with SPD to prevent NE#1's son from being served a protection order, and to prevent the Complainant from seeing her daughter (NE#1's granddaughter).¹

SUMMARY OF INVESTIGATION:

The Complainant initially contacted OPA and made a complaint that she believed NE#1 had used her connections with SPD to help NE#1's son avoid being served a protection order and not allow the Complainant to get her daughter. In a follow up interview with OPA the Complainant then stated that she did *not* believe that NE#1 had interfered with the service of that order but expressed concern over the *future possibility* of the NE#1 to potentially influence and/or interfere with due processes involving visitational and custodial rights of their child.

¹ The complainant further alleged that after filing this OPA Complaint against NE#1 (2021OPA-0405), that she and her mother, received accusatory communications from members of NE#1's family regarding her complaint. This second complaint is being investigated under 2021OPA-0411.



During the investigation, OPA established that a protection order was in place between NE#1's son and the Complainant. OPA also interviewed NE#1's two sons and daughter.² The first son, Community Member #1 (CM#1) was the involved party in the protection order. CM#1 is the former partner of the Complainant and the father of her child. CM#1 outlined the relationship difficulties between himself and his ex-partner (the Complainant) and alleged that the complaint filed against his mother (NE#1) was an attempt to "get back at him." CM#1 stated that NE#1 made him aware of the complaint filed against her, but that she has never interfered with his personal life or used her position in SPD to help him.

NE#1's second son, Community Member #2 (CM#2), was also interviewed by OPA. CM#2 stated that NE#1 had made him aware of the complaint filed against her by the complainant. CM#2 confirmed that he had exchanged text messages with the Complainant's mother stemming from the complaint made against his mother. CM#2 stated that he did not initiate this text conversation but responded to a message sent to him which indicated that his brother (CM#1) would be harmed because of the difficulties between the Complainant and CM#1. This text exchange occurred between the Complainant's mother and him.

NE#1's daughter, Community Member #3 (CM#3), was also interviewed as part of this investigation. CM#3 stated that NE#1 made her aware that a complaint had been filed against NE#1 stemming from issues between CM#1 and the Complainant. CM#3 stated that NE#1 was "in tears" about the complaint when they spoke. CM#3 stated that, following the conversation with NE#1, she contacted the Complainant via social media. CM#3 stated the initial text conversation between them was tense and she "went off" on the Complainant. CM#3 stated that following this exchange, she had a subsequent phone conversation with the Complainant during which the Complainant apologized for her actions.

Lastly, NE#1 was interviewed and provided more context to the background of this complaint. NE#1 described the relationship between CM#1 and the Complainant as "volatile." NE#1 explained that the relationship had ended, but both parties continue to share custody of their child, NE#1's granddaughter. NE#1 alleged that she had been subject to threatening messages from the Complainant on social media. NE#1 stated that these messages were "lost" owing to both blocking the Complainant on social media and NE#1 replacing her mobile phone.

NE#1 stated that she did speak to her children—CM#1, CM#2, and CM#3—after receiving the notification of the complaint made against her. NE#1 stated she recalled seeing and reading the notification but failed to read the last paragraph, which directs the named employee from discussing the complaint with any other individuals who may have been involved. NE#1 explained that she spoke with CM#1 because she wanted him to "understand the severity of him going back and forth" with the Complainant and how their issues were now "jeopardizing" her job. NE#1 was asked whether she requested her children (CM#1, CM#2 and CM#3) take action on her behalf and she stated that she did not. NE#1 stated that on receipt of the second complaint (2021OPA-0411) she contacted CM#1, CM#2 and CM#3 and asked them to cease all communications as they were making the situation more difficult for her.

² NE#1 has 4 children, three of whom—CM#1, CM#2 and CM#3—are adults who were involved in this investigation.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

Allegation #1 – 5.001 – Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy.

The Complainant alleged that NE#1 violated law and policy.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

The visitation rights of the child who is custodially shared between CM#1 and the Complainant appear to be at the center of this complaint. When the Complainant initially contacted OPA, the Complainant stated that NE#1 had sarcastically stated multiple times “I work for the police” and “I’ve already spoken with SPD.” The Complainant declined to provide any further context for these comments when contacted by OPA for an interview.

NE#1, however, provided some context with respect to these alleged statements. NE#1 recalled a conversation with the Complainant in September 2021 surrounding a pick-up of the child. NE#1 stated that the Complainant came to NE#1’s home to collect the child during a weekend that CM#1 had custody of the child. NE#1 stated that she told the Complainant that she would have to talk to CM#1 before giving her physical custody of the child because she did not want to interfere with any custody arrangements. NE#1 stated that, in response, the Complainant told her to “wait ‘till SWAT gets here.” NE#1 stated that she responded by telling the Complainant, “Hey, I work for SPD. I said so I know they’re not sending SWAT because you guys don’t have a parenting plan. So, you’ll have to talk with CM#1 about that.” OPA was unable to confirm that the discussion had occurred as stated by NE#1 because the Complainant declined any further conversations with OPA.

Of note is when the Complainant was contacted a second time by OPA, the Complainant stated that NE#1 had *not* interfered with the service of the Protection Order. Instead, the Complainant stated that she *believed* that the NE *could* influence SPD personnel and interfere with service of the Protection Order. The Complainant expressed concerns about the NE#1’s position in SPD and how this could impact her custodial agreements with her daughter and NE#1’s son. NE#1 denied that she told the Complainant that she was going to use her connections with SPD to help her son or to use her position to prevent her son being served with a protection order. NE#1 stated that she was not present when the protection order was served or during any service attempts.

OPA is sympathetic to the sometimes complicated and emotionally-charged nature of child custody disputes and visitation rights. However, there is no supporting evidence to suggest that NE#1 violated any Laws or City policies relating to this complaint. Notably, the Complainant herself provided contradictory statements to OPA about the NE#1’s actions. When the Complainant first contacted OPA, she alleged that NE#1 interfered with the service of a protection order and refused her access to her daughter. In a follow up interview, the Complainant stated that NE#1 did *not* interfere with the service of the protection order or prevent her from seeing her daughter, and then disagreed that this had occurred as she previously stated.³ When the Complainant was asked to clarify her initial statements that NE#1 had stated “multiple times” that she works for the police, the Complainant stated that she needed to end the conversation. The Complainant stated that would email OPA “in a couple of days” explaining the situation. No email

³ The Complainant did not consent to recorded interviews and, as such, this information could not be relayed back to her to confirm her original statements to OPA.



was received by OPA, and the Complainant then followed up with OPA and stated that she did not wish to make any clarifying statements.

In the absence of any clarifying information from the Complainant or any other supporting evidence to substantiate the initial statements made by the Complainant, OPA can neither prove nor disprove this allegation.

Accordingly, OPA recommends that this allegation be Not Sustained (Inconclusive).

Recommended Finding: **Not Sustained (Inconclusive)**

Named Employee #1 - Allegation #2

Allegation #2 – 5.001 – Standards and Duties 10. Employees Will Strive to be Professional.

The Complainant 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.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (Id.)

As discussed in the summary of this investigation, this complaint arises from the personal family circumstances of NE#1 and the Complainant. The statements alleged to have been made by NE#1 have already been addressed in Named Employee #1 - Allegation #1.

For the reasons set forth above for Named Employee #1 - Allegation #1, OPA recommends that this allegation be Not Sustained (Inconclusive).

Recommended Finding: **Not Sustained (Inconclusive)**

Named Employee #1 - Allegation #3

Allegation #3 – 5.001 – Standards and Duties 13. Employees Will Not Use Their Position or Authority for Personal Gain.

The Complainant alleged that NE#1 used her position as an SPD Community Service Officer to influence custodial issues between the Complainant and the NE’s son, CM#1

SPD employees are prohibited from using their position or authority for personal gain. (SPD Policy 5.001-POL-13.)

For the reasons set forth above for Named Employee #1 - Allegation #1, OPA recommends that this allegation be Not Sustained (Inconclusive).

Recommended Finding: **Not Sustained (Inconclusive)**



Named Employee #1 - Allegation #4

Allegation #4 – 5.001 – Standards and Duties 14. Retaliation is Prohibited.

The Complainant alleged that NE#1 retaliated against her for filing a complaint with OPA.

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.)

Because this allegation was classified and investigated under case 2021OPA-0411, this allegation is removed from this case as duplicative.

Recommended Finding: **Allegation Removed**

Named Employee #1 - Allegation #5

Allegation #5 – 5.140 – Bias Free Policing 2. Officers Will Not Engage in Bias-Based Policing.

The Complainant alleged that NE#1 engaged in biased-based policing.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well as other discernible personal characteristics of an individual.” (SPD Policy 5.140.) This includes different treatment based on the race of the subject. (See id.)

The Complainant alleged that NE#1 may have engaged in biased-based policing due to NE#1’s position in SPD. No further statements were made to offer any explanation as to the reasons for this complaint or what alleged characteristic(s) of the Complainant allegedly motivated NE#1 to treat the Complainant differently.

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

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