

**Issued Date:** FEBRUARY 8, 2024

**From:** Director Gino Betts, Office of Police Accountability

**Case Number:** 2023OPA-0364

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

1. **Allegation #1:** 5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited
  - a. **Finding:** Not Sustained - Unfounded (Expedited)
2. **Allegation #2:** 5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited
  - a. **Finding:** Not Sustained - Unfounded (Expedited)
3. **Allegation #3:** 5.001 – Standards and Duties, 5.001-POL-14. Retaliation is Prohibited
  - a. **Finding:** Not Sustained - Unfounded (Expedited)

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**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—a parking enforcement officer—alleged that Named Employee #1 (NE#1) retaliated against her in three separate incidents after she filed a police report.

### **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 employees. As such, OPA did not interview the named employees involved in this case.

On September 28, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

### **Summary of the Investigation:**

On August 19, 2023, the Complainant filed an OPA complaint, writing that she reported Witness Supervisor #1 (WS#1)—her manager—to human resources (HR) for harassment, then filed a police report about WS#1's harassment and stalking. The Complainant wrote that NE#1, in

response, complained to Witness Employee #1 (WE#1)—the East Precinct’s stationmaster—about her police report and complained to the parking enforcement office about her presence at the East Precinct.

OPA investigated the complaint, reviewing the incident report and email correspondence. OPA also interviewed the Complainant.

On August 18, 2022, NE#1 interviewed the Complainant, who reported that WS#1 harassed and stalked her. NE#1 documented the Complainant’s claims in an incident report.

On October 5, 2022, at 10:12 AM, WE#1 emailed WS#1, asking WS#1 to call. At 11:23 AM, WS#1 emailed several SPD employees—one of whom was an HR employee. WS#1 wrote that someone (presumably WE#1) told him that the Complainant tried to file a police report, alleging WS#1 harassed her. WS#1 wrote that “the sergeant” (presumably NE#1) told the Complainant no crime was committed, so the sergeant declined to file the police report. WS#1 wrote, “There hasn’t been any contact with [the Complainant] and myself, so I am perplexed by these recent allegations.”

On September 13, 2023, the Complainant called OPA. The Complainant alleged that NE#1 retaliated against her, citing three separate incidents. First, the Complainant said she filed a police report with NE#1, alleging that WS#1 stalked and harassed her. The Complainant said she also filed a complaint against WE#1. The Complainant said NE#1 spoke with WE#1, prompting WE#1 to warn WS#1 about her police report. The Complainant believed these notifications led to an OPA complaint against her in retaliation.

Second, the Complainant said, in June 2023, NE#1 saw her at the East precinct, walked away, and called someone. The Complainant said a supervisor called her the next day inquiring about her sitting and reading a book at the East Precinct. The Complainant denied being disciplined or ordered to stay away from the East Precinct. The Complainant said she did not know who informed the supervisor of her East Precinct activities.

Third, the Complainant said she received the above-described emails through a public disclosure request (PDR). The Complainant said, after submitting the PDR, Witness Supervisor #2 (WS#2) told her there were sporadic complaints about her presence at the East Precinct. The Complainant said WS#2 identified NE#1, WS#1, and WE#1 as the complainants. The Complainant denied being disciplined or directed to act.

On September 13, 2023, OPA emailed WS#2 about complaints he received concerning parking enforcement officers at the East Precinct. WS#2 replied, “Nothing direct. Just second hand.”

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## **Analysis and Conclusions:**

### **Named Employee #1 – Allegation #1**

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

The Complainant alleged that NE#1 retaliated by notifying WE#1 and WS#1 about her police report, triggering an OPA complaint against her.

SPD policy precludes its employees from retaliating. SPD Policy 5.001-POL-14. SPD employees are specifically prohibited from retaliating against a person who engages in activities, including, but not limited to, opposing any practice that is reasonably believed to be unlawful or in violation of SPD 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.*

The Complainant's first allegation is unsupported by the record. There is no nexus between NE#1 documenting the Complainant's claims in a police report and notifying WE#1 and WS#1 about the police report, triggering an OPA complaint against her. NE#1 was not the complainant in that OPA complaint. There is no evidence linking that OPA complaint to the Complainant's attempt at filing a police report against WS#1.

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

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

#### **Named Employee #1 – Allegation #2**

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

The Complainant alleged that NE#1 retaliated by contacting a supervisor about her East Precinct activities.

The Complainant's second allegation is unsupported by the record. There is no nexus between NE#1 seeing the Complainant at the East Precinct and the phone call she received from a supervisor. The Complainant acknowledged she was neither disciplined nor ordered to stay away from the East Precinct. The Complainant also acknowledged not knowing how the supervisor became aware of her East Precinct activities. There is no evidence suggesting retaliation.

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-14. Retaliation is Prohibited**

The Complainant alleged that NE#1 retaliated by complaining to WS#2 about her presence at the East Precinct.

The Complainant's third allegation is unsupported by the record. Nothing directly ties NE#1 to the sporadic complaints about the Complainant's presence at the East Precinct. In fact, there is insufficient evidence that NE#1 complained to WS#2, who denied receiving "direct" complaints about any parking enforcement officer. Additionally, the Complainant acknowledged she was neither disciplined nor directed to act. There is no evidence suggesting retaliation.

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

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