



CLOSED CASE SUMMARY

ISSUED DATE: MAY 6, 2025

FROM: INTERIM DIRECTOR BONNIE GLENN
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0437

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 4. 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:

The Complainant—an SPD Police Officer—alleged his immediate supervisor, Named Employee #1 (NE#1), retaliated against him for filing an OPA and EEO complaint against her. The Complainant alleged NE#1 retaliated against him by filing criminal allegations, an EEO complaint, and OPA complaint against him.

ADMINISTRATIVE NOTE:

On May 1, 2025, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

This case is one of several related investigations concerning a police officer and his sergeant. In this case, the police officer is the Complainant; the sergeant is NE#1.

NE#1 was assigned to supervise a patrol squad in April 2024. The Complainant was one of the police officers in NE#1's squad. Thereafter, NE#1 and the Complainant also engaged in texting each other and meeting for coffee—the exact nature of their interactions over text and in person are central to this case. Around the end of July or early August 2024, NE#1 invited the Complainant to her house for a party or get-together. The Complainant did not attend.

On August 5, 2024, the Complainant worked an extra shift during his vacation. According to the Complainant, he told NE#1 during that shift that “we need to put a stop on this, you know, my wife is getting very upset.” NE#1's recollection of this event differs; she characterizes it as her telling him they could only be friends. The two also described a disagreement concerning the Complainant's work assignment on August 5, 2024. NE#1 sought clarification from another sergeant—Witness Employee #1—on the disagreement. NE#1 alleged the Complainant assaulted her by putting his hand over her mouth and pulling her back.

On September 10, 2024, the Complainant came to work. A permanent acting sergeant asked him to work as an acting sergeant for the day. The Complainant contacted NE#1 for her to change his pay rate for the day to reflect the acting



sergeant rate and to get him access to timekeeping and report approval. NE#1 did not do this and emailed the Watch Commander and all sergeants and acting sergeants on their watch. The email read: "I already have a meeting set with [current Watch Commander] in which I'll be discussing [Complainant] being able to be an acting Sgt. this wasn't finalized prior to [former Watch Commander] leaving for various reasons. Please do not ask him to act at this time."

On September 11, 2024, the Complainant reported that NE#1 was retaliating against him by not allowing him to work as an Acting Sergeant.¹ OPA opened an investigation for this case under 2024OPA-0363. NE#1 received her Classification Notice on October 11, 2024. OPA recommended findings in this case on May 6, 2025. The case remains open.

On October 15, 2024, NE#1 alleged the Complainant physically assaulted her on August 5, 2024, by putting his hand over her mouth to prevent her from speaking to another sergeant. This was investigated criminally under SPD incident number 2024-292932. The criminal allegations were referred to the Seattle City Attorney's Office, which declined to file charges based on insufficient facts to support an assault charge. OPA is investigating this case under 2024OPA-0405. The Complainant received his Classification Notice on February 27, 2025. This investigation is ongoing.

On October 22, 2024, NE#1 alleged the Complainant, (1) was insubordinate by attempting to work as an Acting Sergeant when she had told him he could not, (2) retaliated against her by filing a complaint against her before she could report him for insubordination, sexually harassing texts on August 29, 2024, and the physical assault, (3) was dishonest by filing a complaint alleging she retaliated against him by not letting him work as an acting sergeant, and (4) discriminated against her due to her gender. NE#1 also alleged a Lieutenant refused to let her report these violations on September 13, 2024. OPA is investigating these allegations under 2024OPA-0410.² The Complainant received his EEO Classification Notice on November 4, 2024, and OPA Classification Notice on November 15, 2024. This investigation is ongoing.

On November 10, 2024, the Complainant alleged NE#1's allegations in 2024OPA-0405 and 2024OPA-0410 were retaliation against him for filing the OPA and EEO allegations at issue in 2024OPA-0363 and related EEO case. These allegations were investigated in this case. NE#1 received her Classification Notice on December 11, 2024.

The evidence for this investigation overlaps significantly with that summarized in the DCM for 2024OPA-0363.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.002 - Responsibilities of Employees Concerning Alleged Policy Violations, 5.002-POL 4. Retaliation is Prohibited

The Complainant alleged that NE#1 retaliated against him for filing an OPA and EEO complaint against her. The Complainant alleged NE#1 retaliated against him by filing criminal allegations, an EEO complaint, and OPA complaint against him.

SPD policy precludes its employees from engaging in retaliation. SPD Policy 5.002-POL-4. SPD employees are specifically prohibited from retaliating against a person who engage in activities including, but not limited to, filing a

¹ The Complainant's union gave this information to the Complainant's Watch Commander on September 10, 2024.

² SPD's EEO Office and the City of Seattle Human Resources are also investigating other aspects of the allegations between the Complainant and NE#1 that are within their respective jurisdictions.



complaint with OPA, Human Resources, or the EEO Investigator, or engaged in any other lawful behavior. *Id.* Retaliatory acts are defined broadly under SPD's policy and include "discouragement, intimidation, coercion, or adverse action against any person. *Id.*

OPA finds that, more likely than not, this allegation is unfounded. The Complainant alleged NE#1 retaliated against him by filing a criminal complaint against him for the August 5, 2024, incident, an OPA allegation against him for insubordination and dishonesty, and an EEO complaint against him for gender discrimination and retaliation. Generally, filing allegations with a police department, OPA, and the EEO investigator are protected activities, so long as the allegations are made in good faith. *See generally* SPD Policies 5.001-POL-14 and 5.002-POL-4. Because SPD employees have a right to avail themselves of these processes, OPA would only interpret allegations in these forums as retaliation if they were dishonest or frivolous—that is, entirely without merit. This is not the case here.³

First, OPA cannot find that NE#1's criminal assault allegations against the Complainant was frivolous. Although the timing of the allegation—over two months after the incident occurred—raises questions, it is not disputed that this incident occurred. OPA interviewed Witness Employee #1 (WE#1) concerning his observations of this interaction. Although he characterized the Complainant and NE#1 as both laughing and giggling during the incident, he did corroborate that the Complainant made a motion with his hand towards NE#1's mouth. He also stated that NE#1 told the Complainant "don't touch me," and that NE#1 "wasn't happy with what [the Complainant] did." Even if WE#1 did not characterize what he observed as an assault, it would not be unreasonable for NE#1 to have had a different interpretation of this event.

Second, NE#1's OPA allegations against the Complainant for insubordination and dishonesty were also not frivolous. NE#1 maintains that she ordered the Complainant not to work in an acting sergeant capacity without a permanent rank sergeant present. Although there was no contemporaneous written documentation of this order, NE#1 did text the Complainant and email multiple supervisors to this effect on September 10, 2024, when this issue came to a head. OPA cannot find that this allegation was frivolous. Similarly, NE#1 presented relevant text messages between herself and the Complainant concerning their communications and interactions from August 31, 2024, through September 10, 2024. The Complainant did not present these text messages to either OPA or EEO when he filed his complaint. OPA does not decide in this case whether or not these text messages were dispositive of NE#1's allegations against the Complainant. That said, as interpreted by NE#1, they did add some support to her allegations that the Complainant's evidence did not present the entire story. OPA cannot find that the dishonesty allegation was frivolous.

Finally, OPA cannot find that NE#1's EEO allegations for gender discrimination and retaliation were made in bad faith. NE#1's theory of retaliation is that the Complainant knew he had been insubordinate, so he filed an EEO/OPA complaint against her to head off her complaint. To the extent OPA cannot say NE#1's insubordination allegation was frivolous, OPA cannot say the retaliation allegation was also frivolous. Similarly, NE#1's allegation of gender discrimination was premised on her allegation that the Complainant—a male--engaged in a "pattern" of assault, sexual harassment, insubordination, and dishonesty against her—a female. To the extent OPA cannot find the assault, insubordination, and dishonesty allegations to be frivolous, OPA cannot say this allegation was made in bad faith.

³ OPA does not decide the merits of NE#1's various allegations against the Complainant in this case, as these are under investigation in other cases. OPA purely evaluates the evidence in this case to determine—by a preponderance of the evidence—whether NE#1's allegations against the Complainant were made in good faith.



OPA emphasizes that this case is not deciding the actual merits of NE#1's allegations, which are being investigated in other cases with OPA and elsewhere. But a review of the available evidence suggests to OPA, by a preponderance of the evidence, that NE#1's allegations meet at least the minimum threshold of not having been made in bad faith.

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

Recommended Finding: **Not Sustained – Unfounded**