



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2015-1535

Issued Date: 04/20/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (1) Employees Must Adhere to Laws, City and Department Policy (Policy that was issued 04/01/2015)
OPA Finding	Not Sustained (Inconclusive) with a Management Action recommendation
Final Discipline	N/A

INCIDENT SYNOPSIS

The Named Employee was working in his unit.

COMPLAINT

The complainant alleged that the Named Employee was personally retaining the proceeds of items sold to benefit an SPD specialty unit.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Review of the criminal case
3. Search for and review of all relevant records and other evidence
4. Interview of SPD employees

ANALYSIS AND CONCLUSION

The OPA investigation found no evidence to support the allegation the Named Employee was profiting from using his position with the SPD specialty unit to sell merchandise to SPD employees and members of the public. However, the lack of verifiable records, bank accounts and receipts made it equally impossible to prove he was not improperly profiting from the sales.

The OPA Director concluded that this investigation raised significant questions regarding the risks associated with Department employees using their SPD position and Department resources to sell merchandise and/or collect monies to benefit either SPD specialty units or non-Department causes. As a result, the Director made a formal recommendation to the Chief of Police via a Management Action letter.

FINDINGS

Named Employee #1

Allegation #1

The evidence could not prove or disprove the allegation that the Named Employee was personally retaining the proceeds of items sold to benefit an SPD specialty unit. Therefore a finding of **Not Sustained** (Inconclusive) was issued for *Employees Must Adhere to Laws, City and Department Policy*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.



City of Seattle

Office of Professional Accountability

April 18, 2016

Chief Kathleen M. O'Toole
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

RE: MANAGEMENT ACTION RECOMMENDATION (2015OPA-1535)

Dear Chief O'Toole:

Dear Chief O'Toole,

The Office of Professional Accountability (OPA) recently completed its investigation into allegations that a Seattle Police Department (SPD) officer was using his position in the Department to personally profit from the sale of clothing items branded with SPD and SPD Specialty Unit logos. The sale of these items was marketed as a fund-raising effort to benefit a charity and/or raise funds for the Specialty Unit to purchase items for which there was no SPD budget. While the OPA investigation found no evidence to support the allegation the named officer was selling the items under false pretenses or personally profiting from their sale, it did reveal a host of ethical, financial and practical problems I believe need to be addressed without delay. Our investigation, while limited to the actions of one officer in one Specialty Unit, also yielded information indicating that this practice of producing and selling SPD and SPD Specialty Unit "branded items" (e.g., clothing, coffee mugs, challenge coins, etc.) while on duty and using Department resources and positions may be fairly wide-spread and unregulated. Such practices can create a variety of public perception and trust challenges for SPD. I am also concerned about the potential risk to the reputations and careers of those employees who, perhaps with the best of intentions and/or at the request of their supervisor, get involved in collecting and accounting for cash and checks from fellow employees and members of the public. Without adequate policies, procedures and fiduciary safeguards in place, these employees risk being accused of financial incompetence, conflicts of interest or (worst) outright theft. Please feel free to review the OPA investigation into this particular complaint for a fuller understanding of the issues involved.

Recommendation: It is my recommendation that SPD take the following steps immediately.

- Issue a Directive putting an immediate halt to the marketing and sales by SPD employees of merchandise branded in any way that is linked to SPD or any SPD unit.
- Conduct an audit of all SPD divisions and units to determine the nature and extent of activities by SPD employees to market and offer for sale such merchandise and collect associated cash donations.
- Based on the audit recommended above, develop a policy either prohibiting or regulating such activities. If the decision is made to permit such activities, adequate procedures and safeguards should be established to prevent actual or perceived conflicts of interest and/or financial misconduct.

Thank you very much for your prompt attention to this matter of public trust and confidence in the professional conduct of the SPD and its employees. Please inform me of your response to this recommendation and, should you decide to take action as a result, the progress of this action.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pierce Murphy". The signature is fluid and cursive, with a large initial "P" and "M".

Pierce Murphy
Director, Office of Professional Accountability