



OFFICE OF POLICE ACCOUNTABILITY

Closed Case Summary

Complaint Number 2017OPA-0658

Issued Date: 02/23/2018

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.120 (IV) Secondary Employment: Secondary Employment Permit (form 1.30) (Policy that was issued March 19, 2014)
OPA Finding	Not Sustained (Training Referral)
Final Discipline	N/A

INCIDENT SYNOPSIS

While conducting an intake investigation into a separate case, OPA determined that Named Employee #1 may not have possessed a valid secondary work permit for off-duty employment.

COMPLAINT

The complainant, the Office of Police Accountability, alleged that Named Employee #1 did not have a valid secondary employment permit for the location and date in question.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the original OPA complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

ANALYSIS AND CONCLUSION

While conducting its intake investigation in another matter, OPA determined that Named Employee #1 may not have possessed a valid secondary work permit for off-duty employment that he was engaged in. OPA contacted the Department's Human Resources Division and were informed that no such permit could be located.

OPA conducted an interview of Named Employee #1, during which he confirmed that he did not have a valid secondary work permit for the off-duty employment in question. Named Employee #1 stated that he historically always properly filled out and submitted his secondary work permits. He explained that he was out on sick leave for an extended period of time, and when he returned to work he tried to procure off-duty employment initially without success. Ultimately, he was able to secure off-duty employment; however, he neglected to fill out and submit a permit. Named Employee #1 explained that with his prior medical condition and the associated stress in his life, he simply forgot about the permit. Named Employee #1 stated that when he realized that he did not have a valid permit, he immediately addressed the issue and sought a permit.

The OPA Director agreed that Named Employee #1 clearly was not trying to hide his off-duty work given that he logged in via radio. Further, the Director was sympathetic to the medical issues that Named Employee #1 has had to deal with and the related stress that must have caused him and his family. He also commended Named Employee #1 for being forthright at his OPA interview and recognizing his mistake, as well as for seeking to immediately rectify the issue by obtaining a valid secondary work permit. Lastly, the Director noted that Named Employee #1 had no prior history of violations of this section of the policy. For these reasons, and based solely on the unique facts of this case, he did not believe that a sustained finding was warranted.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that the Named Employee would benefit from additional training. Therefore a finding of **Not Sustained** (Training Referral) was issued for *Secondary Employment: Secondary Employment Permit (form 1.30)*.

Training Referral: Named Employee #1 should receive training and counseling from his chain of command concerning the Department's expectation that he have a valid secondary work permit prior to engaging in off-duty employment. Named Employee #1's chain of command should inform him that any further violations of this policy will result in a sustained finding being recommended by OPA.

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.