



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 10, 2018

CASE NUMBER: 2017OPA-0850

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 | Sustained |
| # 2 | 5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete in All Communication | Sustained |

Imposed Discipline

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| Resignation in Lieu of Termination |
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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:

It was alleged that the Named Employee improperly sought and received compensation for time he did not work. In doing so, the Named Employee was alleged to have been dishonest and to have violated laws, City policy, and Department policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

In August 2017, OPA received a complaint from the then Assistant Chief of Patrol alleging that Named Employee #1 (NE#1), who was an Officer assigned to the East Precinct, may have sought compensation for days that he did not work. Included with this complaint was documentation that suggested potential criminal conduct on the part of NE#1. As such, OPA referred this case for criminal investigation. A criminal investigation resulted in a determination that NE#1 had received payment for 55 days that he had not worked, causing the City to pay him approximately \$23,905.66 that he was not entitled to. The case was referred to a prosecutor and charges were filed.

NE#1 ultimately pleaded guilty to theft in the first degree, agreeing to pay \$18,821.88 in restitution. He was further sentenced to 10 days in prison, which was eventually reduced to 80 hours of community service. After NE#1’s sentence was entered, he was terminated by the Department. This matter was then returned to OPA and this investigation ensued and was concluded.

As part of its investigation, OPA reviewed the Case Investigation Report, the documents relating to NE#1’s criminal case, and the documents provided by the chain of command with the initial OPA complaint. OPA also attempted to interview NE#1; however, he informed the assigned OPA investigator that he did not want to participate in an interview.



SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. The undisputed facts of this case establish that NE#1 not only violated the law when he engaged in the theft of time from the Department, but that he also violated a host of City and Department policies. Indeed, NE#1 acknowledged and admitted to this criminal conduct in his plea agreement. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete in All Communication

SPD Policy 5.001-POL-10 requires that Department employees be truthful and complete in all communications. When NE#1 falsely sought compensation for time he did not work and when he entered this false information on his timesheet, he engaged in dishonesty. That he did so is clearly established by the evidence and by NE#1's plea agreement. For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**