

Issued Date: JANUARY 11, 2024

From: Director Gino Betts, Office of Police Accountability



Case Number: 2023OPA-0300

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation:** 12.050 - Criminal Justice Information Systems, 12.050-POL, 9. Employees Will Not Discuss or Provide Information to Any Person or Entity Who Is Not a Member of the Criminal Justice System
 - a. **Finding:** Not Sustained - Unfounded
2. **Allegation:** 5.120 - Off-Duty Employment, 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities, 4. Employees Must Request Approval for all Law Enforcement Related.
 - a. **Finding:** Not Sustained - Management Action
3. **Allegation:** 5.120-POL-2 Restrictions on Off-Duty Employment, 1. The Department Prohibits Certain Employment
 - a. **Finding:** Not Sustained - Unfounded
4. **Allegation:** 6.060 - Collection of Information for Law Enforcement Purposes, 9. Department Personnel Will Not Video Record Individuals Lawfully Demonstrating, Unless Ordered to do so by a Lieutenant or Above
 - a. **Finding:** 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:

An anonymous Complainant alleged unknown officer(s) (referred to collectively herein as Named Employee #1 or NE#1) were working for Amazon in an unauthorized, off-duty, law-enforcement-related capacity. The Complainant alleged NE#1 was engaging in other prohibited activities related to this secondary employment, including accessing law enforcement databases, recording lawful

demonstrations, and downloading software that would allow their personal phones to record Department activities.

Administrative Note:

On December 7, 2023, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

Summary of the Investigation:

OPA received an anonymous, type-written letter from the Complainant. The Complainant claimed to be a retired Seattle Police Officer. The Complainant stated they were at a social function where they, "learned of an Off-Duty job offered by Amazon to retired and active officers," that "bothered" the Complainant. The Complainant stated officers did not obtain an off-duty work permit for the role because it was not "police related," despite alleging that officers working for Amazon would, "respond to disturbances, deal with transients and the mentally ill. . . . carry a firearm, wear ballistic vests, and respond to calls." The Complainant also alleged the off-duty officers took video and photographs of "active protests on and around the Amazon campus." The Complainant alleged that the off-duty officers had a contact in the "Communications Section" run vehicle plates, and that Amazon had off-duty officers get police reports. Finally, the Complainant alleged Amazon required off-duty officers working for them to download applications to their personal phones that could "listen to conversations." The Complainant provided the names of three witness officers and a number of retired officers they claimed "may be able to assist with information." The Complainant wrote they did not know "most" of the officers whose names they provided, without specifying which officers they did or did not know.

OPA opened an investigation. During its investigation, OPA reviewed the OPA complaint and emailed and interviewed multiple witnesses.

The OPA complaint identified three current employees by name—Witness Officers #1-#3 (WO#1-#3). The OPA complaint also listed four retired officers and alluded to two groups of officers. The first group was identified colloquially as a person's "boys." The complaint listed the person's first name and last name, but the names were common. The information was similar to a phrase like "Johnnie Smith's boys." OPA could not determine who this referred to. The second group was also identified colloquially, as a person's "boy." The complaint listed the person's last name. The information was similar to a phrase like "Snyder's boy." OPA identified two possible individuals belonging to this second group, neither of whom still worked for SPD.

OPA corresponded with a representative of SPD Human Resources. SPD HR was unable to locate any SPD police officers with off-duty work permits for Amazon Headquarters. SPD HR located SPD Parking Enforcement Officers who had off-duty work permits for Amazon. OPA identified an independent Security Contractor that provided security officers for Amazon. SPD HR did not locate any off-duty work permits listing the Security Contractor as an employer.

OPA spoke with Community Member #1 (CM#1), an Amazon security manager. CM#1 noted he was restricted in the information he could provide due to non-disclosure agreements. CM#1 stated Amazon contracted with the Security Contractor to provide security at Amazon Headquarters. CM#1 stated the Security Contractor employed off-duty Seattle Police officers. CM#1 stated security's role was not "law enforcement related." CM#1 declined to provide information about video recording of events at Amazon Headquarters. CM#1 stated that any police reports needed by Amazon were requested through public records requests by Amazon attorneys. CM#1 stated Amazon did not require security to download any applications to their phones.

OPA spoke with Community Member #2 (CM#2), a senior manager at the Security Contractor. CM#2 said he oversees the group that provides security at Amazon headquarters. CM#2 said all their employees were separately licensed to work as armed security. CM#2 specified that all off-duty Seattle Police officers working for the Security Contractor had obtained licenses from the Washington State Department of Licensing to work as armed security guards. CM#2 stated the off-duty officers were not working in a law enforcement capacity. CM#2 stated he was not aware of Amazon requiring security to record demonstrations or protests.

OPA communicated with a sergeant in SPD's Audit Policy and Research Section (APRS) and SPD's Deputy Counsel regarding the meaning of "law enforcement related off duty jobs" within SPD Policy 5.120. The APRS sergeant noted that this has "been a topic of debate," but stated a "law enforcement related job" was one where the "employee is working in some type of law enforcement capacity." The APRS sergeant provided as one example, "plain clothes security for certain groups." The APRS sergeant clarified that whether a job required an off-duty work permit depended on the duties, but that "off-duty has never been clean cut." The APRS sergeant referred OPA to SPD Legal as the "best source for that information."

OPA contacted SPD's Deputy Counsel to provide an interpretation of "law enforcement related off-duty job." The Deputy Counsel noted that, per SPD's General Counsel, "That phrase would be interpreted to mean an off-duty job in which they are serving in a commissioned capacity (i.e. in uniform and with authority to exercise law enforcement authority)."

OPA interviewed all three witness employees. All three denied knowing of any SPD employee—including themselves—working for Amazon at any point. Relatedly, none of the witness employees knew of any SPD employees who worked at the Amazon campus through the Security Contractor. All three witness employees acknowledged they worked off-duty as armed security guards for the Security Contractor, but denied their work was law enforcement related. Instead, the witness employees described their role as serving as "good witness" or acting in an "observe and report" capacity.

Analysis and Conclusions:

Named Employee #1 - Allegation #1

12.050 - Criminal Justice Information Systems, 12.050-POL, 9. Employees Will Not Discuss or Provide Information to Any Person or Entity Who Is Not a Member of the Criminal Justice System

The Complainant alleged NE#1 used connections to provide criminal justice information to Amazon.

SPD Policy 12.050-POL-9 prohibits SPD employees from discussing or providing criminal justice information to any person or entity who is not a member of the criminal justice system, with limited exceptions.

The anonymous Complainant did not specify any SPD employees who violated this policy, nor did the Complainant provide any contact information for OPA to follow up on their allegations. The current SPD employees named by the Complainant had no knowledge of any SPD officers working security at Amazon and denied doing so themselves. OPA did not identify any SPD officers who worked security for Amazon. Moreover, CM#1 stated Amazon's process for obtaining criminal justice information was to have an attorney submit a public disclosure request. Considering the anonymous source of the information, the Complainant's admitted lack of personal knowledge about the issue, and CM#1's refutation of this allegation, OPA finds that, more likely than not, this allegation is unfounded.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

5.120 - Off-Duty Employment, 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities, 4. Employees Must Request Approval for all Law Enforcement Related.

The Complainant alleged that NE#1 worked a law enforcement related off-duty job without approval.

SPD Policy 5.120-POL-1(4) requires employees to request approval for "all law enforcement related off-duty employment and business activities."

SPD Policy does not define "law enforcement related off-duty employment." OPA received different definitions from the APRS sergeant and SPD Deputy Counsel. All three witness employees stated their opinion that working as state-licensed armed security guards in only an "observe and report" capacity did not require an Off-Duty Employment Permit. Under the definition provided by the APRS sergeant, this sort of work would likely qualify as "law enforcement related." Under the definition provided by SPD's Deputy Counsel, it likely would not.

SPD Policy 5.120 was last updated on February 1, 2019—nearly five years ago. Notably, its prefatory paragraph suggests it only applies to “law enforcement related off-duty employment,” but that term is not defined. SPD should define this term in policy.

Accordingly, OPA recommends this allegation be Not Sustained – Management Action.

- **Management Action:** SPD should provide guidance in policy for determining whether secondary employment qualifies as “law enforcement related” for the purpose of SPD Policy 5.120. SPD could consider providing a specific definition or, alternatively, a list of factors to guide whether the provisions of SPD Policy 5.120 apply.

Recommended Finding: **Not Sustained - Management Action**

Named Employee #1 - Allegation #3

5.120-POL-2 Restrictions on Off-Duty Employment, 1. The Department Prohibits Certain Employment.

The Complainant alleged that NE#1 engaged in prohibited off-duty employment either by granting Amazon access to SPD information through applications installed on personal phones or by providing police records to Amazon.

SPD Policy 5.120-POL-2 prohibits employees from engaging in certain off-duty employment and business activities. One such prohibition is “employment which requires access to police files, records, or services as a condition for employment.” SPD Policy 5.120-POL-2.

Like the reasoning set forth above at Named Employee #1, Allegation #1, OPA did not identify any named employee who violated this policy. CM#1 refuted that Amazon required SPD officers working there to download applications to their personal phones or provide police records. Weighing the anonymous, second-hand source of the allegations against the specific denials of an identified individual with first-hand knowledge, OPA finds that, more likely than not, this allegation is unfounded.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #4

6.060 - Collection of Information for Law Enforcement Purposes, 9. Department Personnel Will Not Video Record Individuals Lawfully Demonstrating, Unless Ordered to do so by a Lieutenant or Above.

The Complainant alleged that NE#1 video recorded lawful demonstrations at the behest of Amazon.

SPD Policy forbids most personnel from recording individuals who are lawfully demonstrating, except with body-worn or in-car video. See SPD Policy 6.060(9).

Like the reasoning set forth above at Named Employee #1, Allegation #1, OPA did not identify any named employee who violated this policy. Although CM#1 declined to provide information on Amazon's recording of events on their campus, CM#2 stated he was not aware of Amazon requiring any contracted security guards to record demonstration activity. Weighing the anonymous, second-hand source of the allegations against CM#2's statement, OPA finds that CM#2's would be in a better position to have this information and, therefore, his information is more reliable. Additionally, the Complainant's allegation was vague and did not provide any specific names, dates, locations, or demonstrations where this alleged misconduct occurred. On balance, based on the evidence provided, OPA finds that, more likely than not, this allegation is unfounded.

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

Recommended Finding: **Not Sustained - Unfounded**