OFFICE OF PROFESSIONAL ACCOUNTABILITY
Closed Case Summary

Complaint Number OPA #2013-0410

Issued Date: 07/30/2015

Named Employee #1	
Allegation #1	Seattle Police Department Manual 5.001 (III.A.) Violation of Law (Policy that was issued 08/15/2012)
OPA Finding	**Not Sustained** (Management Action)
Allegation #2	Seattle Police Department Manual 5.120 (V) Secondary Employment: Prohibited Employment (Policy that was issued 04/18/2012)
OPA Finding	**Not Sustained** (Unfounded)
Final Discipline	N/A

Named Employee #2	
Allegation #1	Removed

INCIDENT SYNOPSIS

The named employee was the owner of a private security and traffic control company.

COMPLAINT

The complainant alleged that the named employee was not properly licensed as a private security company principal and employed unlicensed security guards. It was further alleged that the named employee was violating state law by having the word "police" in the company name.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint email
2. Interview of the complainant
3. Review of the Department of Licensing Investigation
4. Search for and review of all relevant records and other evidence
5. Interview of SPD employees

ANALYSIS AND CONCLUSION

After a lengthy investigation and legal negotiations between the named employee and the Department of Licensing, the allegations were withdrawn. While the OPA investigation that followed did not gather facts that would support a sustained finding, OPA does make a finding of Not Sustained (Management Action).

Management Action Recommendation:
The Seattle Police Department (SPD) has, for many years, realized that its policies, procedures, recordkeeping and management of the off duty employment (known within SPD as "secondary employment") of its officers by private employers are in dire need of reform. This problem has been mentioned by OPA Auditors going as far back as 2004 and as recently as 2014. The current state of affairs opens SPD and its officers to a host of ethical, legal and financial dilemmas. The Department's record with respect to its management of secondary employment demonstrates the need for a complete, top-to-bottom reform of the Department's system for authorizing and regulating the off duty, law enforcement related employment of its officers.

It is recommended that SPD complete a total reform of its secondary employment system without delay, to include:

- Clear policies, regulations and procedures regarding employment of SPD officers (including police officers, retired police officers, parking enforcement officers, reserve police officers, and persons holding a SPD special commission)
- Real-time tracking of time worked, both on and off duty (including overtime), by SPD officers to ensure that officers are getting the needed rest and recovery they need in between shifts, both on and off duty
- A system of contracting by outside employers and scheduling of SPD officers to fulfill those contracts that is fair, transparent, accessible to all officers who are qualified and wish to work off duty, and avoids favoritism and the potential for actual or perceived conflicts of interests.
- Robust supervision and oversight by SPD of officers working off duty to ensure that the Department's standards and system of accountability remain consistent whether the officer is being paid by the City or by a private employer to perform law enforcement related work.

- Compensation for both officers and the City adequate to ensure recognition of the costs associated with training, equipping and supervising officers working for a private employer but wearing a SPD uniform and equipment.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that the Department's policies on secondary employment should be reformed rather than any specific action taken against the named employee. Therefore a finding of **Not Sustained** (Management Action) was issued for *Violation of Law*.

Allegation #2

The evidence showed that the off duty secondary employment worked by the named employee was not specifically listed in SPD Police as prohibited employment. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Secondary Employment: Prohibited Employment*.

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

July 17, 2015

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

RE: MANAGEMENT ACTION RECOMMENDATION (OPA 2013-0410)

Dear Chief O'Toole:

The Office of Professional Accountability (OPA) recently completed its investigation into allegations that a Seattle Police Department (SPD) officer was the owner of a private security and traffic control company that was not properly licensed and employing unlicensed security guards.

The Washington State Department of Licensing (DOL) notified OPA that they were conducting an investigation into this complaint. DOL also alleged that by having the word "police" in the company name that the named employee was violating an RCW. Both allegations would constitute gross misdemeanors.

After a lengthy investigation and legal negotiations between DOL and the named officer, the allegations were withdrawn. While the OPA investigation did not gather facts that would support a sustained finding, OPA does make a finding of Not Sustained (Management Action).

Recommendation: The Seattle Police Department (SPD) has, for many years, realized that its policies, procedures, recordkeeping and management of the off duty employment (known within SPD as "secondary employment") of its officers by private employers are in dire need of reform. This problem has been mentioned by OPA Auditors going as far back as 2004 and as recently as 2014. The current state of affairs opens SPD and its officers to a host of ethical, legal and financial dilemmas. The Department's record with respect to its management of secondary employment demonstrates the need for a complete, top-to-bottom reform of the Department's system for authorizing and regulating the off duty, law enforcement related employment of its officers.

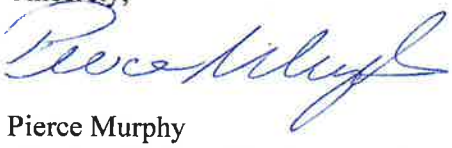
I recommend that the SPD complete a total reform of its secondary employment system without delay, to include:

- Clear policies, regulations and procedures regarding employment of SPD officers (including police officers, retired police officers, parking enforcement officers, reserve police officers, and persons holding a SPD special commission)
- Real-time tracking of time worked, both on and off duty (including overtime), by SPD officers to ensure that officers are getting the needed rest and recovery they need in between shifts, both on and off duty
- A system of contracting by outside employers and scheduling of SPD officers to fulfill those contracts that is fair, transparent, accessible to all officers who are qualified and wish to work off duty, and avoids favoritism and the potential for actual or perceived conflicts of interests.

- Robust supervision and oversight by SPD of officers working off duty to ensure that the Department's standards and system of accountability remain consistent whether the officer is being paid by the City or by a private employer to perform law enforcement related work.
- Compensation for both officers and the City adequate to ensure recognition of the costs associated with training, equipping and supervising officers working for a private employer but wearing a SPD uniform and equipment.

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,



Pierce Murphy
Director, Office of Professional Accountability