



# City of Seattle

Office of Professional Accountability

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April 11, 2016

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

RE: MANAGEMENT ACTION RECOMMENDATION (OPA 2013-0410 (07/17/15 Original), 2015OPA-1586, 2016OPA-0175, 2015OPA-1286)

Dear Chief O'Toole:

On July 17, 2015, the Office of Professional Accountability (OPA) sent several recommendations to the Seattle Police Department (SPD) regarding the policies, procedures, recordkeeping and management of off-duty employment (known within SPD as "secondary employment") of its officers by private employers. As stated previously, the current state of affairs, which has remained relatively unchanged over the past year, 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. While OPA appreciates SPD's indication in a July 28, 2015 letter of the Department's research and planning of a comprehensive overhaul of the secondary employment management system, the system has not changed sufficiently to obviate the risks to the department or the community.

Specifically, in the past year, three cases have come to the attention of OPA which prompts not only the need to reiterate the previous suggestions of the first Management Action Recommendation (MAR), but based on a lengthy investigation on 2015OPA-1586 and a Supervisor Action in 2016OPA-0175, as well as information obtained during a recent Loudermill hearing on 2015OPA-1286, OPA feels it important to address additional concerns with respect to the status of "secondary employment" within SPD:

**Officer Safety:** In 2016OPA-0175, an SPD officer, while working secondary employment for a local residential community, was put into a potentially dangerous situation when he confronted the complainant in a vehicle without cover, late at night, in a dark and obscured section of the neighborhood. The officer was in full SPD uniform, but driving his personal vehicle, which caused confusion to the complainant who became increasingly aggressive and agitated. Fortunately, the officer called for units to respond and support his contact, but the risk of approaching an occupied vehicle without cover should not be discounted.

**Officer Fatigue:** During the Loudermill hearing for the Named Employee in 2015OPA-1286, one of the explanations provided by the employee to explain his behavior during the incident was extreme sleep deprivation from working a secondary shift into the early morning hours that same day.

**Conflict of Interest:** In 2015OPA-1586, OPA recommended a Sustained finding for an allegation of failing to take law enforcement action when a complainant reported to the Named Employee that she had been assaulted and pointed out the assailant. The Named Employee was in a SPD uniform, armed and equipped with a SPD radio and other equipment working for a private employer under a secondary work permit approved by a supervisor. As a publically visible representative of the SPD, the Named Employee failed to

perform his obligations under SPD policy by assisting the assault victim; rather, he assisted the store personnel with making the complainant leave the store because the store felt she was making a disturbance.

Given the situations in the above three cases, I recommend the SPD complete a total reform of its secondary employment system without delay, to include:

- Clear policies, regulations and procedures regarding off-duty employment of SPD officers (including police officers, parking enforcement officers, and reserve police officers)
- 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.
- Oversight of working conditions and safety factors in secondary employment situations to promote both officer and public safety.

Thank you very much for reviewing this additional MAR regarding secondary employment and 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 that reads "Pierce Murphy". The signature is written in a cursive style with a large initial "P" and "M".

Pierce Murphy  
Director, Office of Professional Accountability