



CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 27, 2019

CASE NUMBER: 2018OPA-0878

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.120 - Off-Duty Employment 4. Employees Must Request Approval for all Law Enforcement Related Off-Duty Employment and Business Activities	Not Sustained (Lawful and Proper)
# 2	5.120 - Off-Duty Employment 8. Employees Must Report Each Off-Duty Shift in Blue Team	Not Sustained (Training Referral)

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 did not have a valid secondary work permit and that he failed to properly log his off-duty hours.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.120 - Off-Duty Employment 4. Employees Must Request Approval for all Law Enforcement Related Off-Duty Employment and Business Activities

SPD Policy 5.120-POL-4 states that officers are required to have a valid secondary work permit prior to engaging in off-duty employment.

During its investigation of another matter, it appeared that Named Employee #1 (NE#1), who was working off-duty during that incident, may not have had a valid work permit. OPA made a request to SPD Human Resources for a copy of the permit, but that office could not locate it.

However, OPA was ultimately able to locate a valid work permit for NE#1 within another casefile. As such, OPA verified that NE#1 complied with this policy and I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

5.120 - Off-Duty Employment 8. Employees Must Report Each Off-Duty Shift in Blue Team



SPD Policy 5.120-POL-8 requires officers working off-duty to report each shift in Blue Team.

OPA's investigation established that NE#1 failed to comply with this policy when he did not report his shift in Blue Team. At his OPA interview, NE#1 acknowledged that he did not properly report his off-duty shift. He told OPA that he knew that he was supposed to do so, but forgot to enter this information on the date in question.

When NE#1 failed to properly record his shift in Blue Team, he violated policy. However, for three reasons, I recommend that NE#1 receive the below Training Referral rather than a Sustained finding. First, NE#1 acknowledged and took responsibility for his mistake at his OPA interview. Second, the violation of this policy constitutes minor misconduct. Third, it does not appear that NE#1 has previously violated this policy.

- **Training Referral:** NE#1 should receive retraining as to the elements of SPD Policy 5.120-POL-8. NE#1 should also be counseled by his chain of command concerning his failure to comply with this policy on the date in question and should be instructed to make efforts to do so moving forward. This retraining and associated counseling should be documented and this documentation should be maintained in an appropriate database.

Recommended Finding: **Not Sustained (Training Referral)**