



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 20, 2019

CASE NUMBER: 2018OPA-0837

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	Not Sustained (Inconclusive)
# 2	5.001 - Standards and Duties 10. Employees Shall Be Truthful and Complete In All Communication	Not Sustained (Inconclusive)

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:

The Complainant alleged that multiple Department policies were violated when an unknown employee forged the Complainant’s signature on an official SPD document.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

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

The Complainant alleged that an unknown individual may have forged an official SPD document. The Complainant stated that he became aware of this document after it was provided to him in discovery during a lawsuit that he brought against the City of Seattle. The document in question was part of his file from a promotional candidate review for a Captain position. Specifically, the document was a portion of a performance evaluation for him from December 28, 2007 through December 28, 2008. The document read as follows: “[Complainant’s] performance documented in the review, is above average in all areas and shows that he’s fully competent.” The signature page, which was dated December 31, 2008, contained signatures purportedly belonging to both the Complainant and his then supervisor. He stated that the signature on the document was not his, which indicated to him that the document was forged. The Complainant was unaware when this document was created and did not know who may have forged his signature.

During its investigation, OPA reviewed another performance review for the Complainant that contained the Complainant’s signature. The signature on the other document was significantly different than that on the allegedly forged document. Moreover, OPA also identified another document containing the Complainant’s then supervisor’s signature. The signature on that document was noticeably different than that on the allegedly forged document.

OPA interviewed the Complainant, who confirmed that he did not know who created the document or who forged his signature. He stated, however, that he believed that the performance review in question was accurate and



favorable for him. He noted that he had not received a performance review for approximately seven to eight years prior to 2007. The Complainant confirmed that he was not aware of any additional forged documents.

OPA attempted to interview the Complainant's former supervisor. However, the supervisor has since retired from the Department. OPA sent the supervisor a letter seeking his availability for an interview, but did not hear back.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

Had a Department employee written the Complainant's signature on a document without his consent and/or knowledge (and even with both), it would have constituted a violation of a number of City and SPD policies. However, there is insufficient evidence in the record to establish who may have engaged in this conduct and for what reason. Moreover, even had an employee forged the Complainant's signature, the performance review was positive for the Complainant and, thus, did not necessarily negatively impact him. While this would not, in and of itself, matter for the purposes of determining whether the conduct was contrary to policy, it is an interesting fact.

Ultimately, given the dearth of evidence available to OPA, I cannot reach a conclusive determination on whether an unknown employee violated this policy. As such, I recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**

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 Department employees to be truthful and complete in all communications.

If it could be proved that a Department employee purposefully forged the Complainant's signature on an official document, this would likely constitute a violation of this policy. However, as with Allegation #1, there is insufficient evidence in the record to establish this. As such, I similarly recommend that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained (Inconclusive)**