



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 4, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0494

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Sustained
# 2	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Inconclusive
Imposed Discipline		
Resigned Prior to Proposed DAR		

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 Named Employee #1 (NE#1) has been sleeping in his office, while on duty. It was further alleged that the NE#1 brought in darkening window blinds and a sleeping cot and mattress to facilitate this behavior.

ADMINISTRATIVE NOTE:

This case was originally considered for Rapid Adjudication (RA). RA is a collectively bargained alternative dispute resolution program available to sworn SPD employees represented by SPOG and SPMA. It encourages SPD employees to take responsibility for conduct that is inconsistent with SPD policy. The employee accepts pre-determined discipline in lieu of undergoing a full OPA investigation. However, because was no longer a member of SPD after he retired on February 28th, 2022. OPA requested that NE#1 voluntarily participate in an interview. NE#1 declined and could not be interviewed. This case was subsequently designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach, and issue recommended findings based solely on its intake investigation and without interviewing the involved employees.

SUMMARY OF INVESTIGATION:

On November 4, 2021, an anonymous complaint was received which alleged that NE#1 had been sleeping in his office while on duty. It was alleged that this behavior had occurred over the previous four months and that NE#1 had brought in a sleeping cot, mattress, and had installed darkening shades on his windows to sleep there.

OPA commenced an investigation and conducted a site visit to the NE#1's office. Photographs established that darkening blinds had been installed and that a sleeping cot and pad were in the office space.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 10. Employees Will Strive to be Professional

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (Id.) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (Id.)

The Complainant originally stated that, “The men and women of the Seattle Police Department are risking their lives everyday answering calls for service during the worst staffing crisis this city and department has ever seen, and this commander is taking naps while this happens. The men and women of this department and the citizens of Seattle deserve better.” OPA agrees. NE#1 was offered the opportunity to provide a statement in his defense and refused. Taken together with the complaint, darkening shades, cot, and mattress, the only reasonable conclusion is that NE#1 was sleeping in his office while either on or off duty. At the very least, NE#1 was projecting a visible image to his fellow officers and those he was meant to lead that he was sleeping in his office on a regular basis. Such behavior in this context is unprofessional and undermines trust both within the Department and in the public eye.

Accordingly, OPA recommends that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

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

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

While there is an allegation of sleeping on duty, the preponderance of the evidence is inconclusive as to whether NE#1 slept in his officer while on duty, as opposed to off duty times. Because the evidence neither supports nor refutes this allegation, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**