




CLOSED CASE SUMMARY

ISSUED DATE: FEBRUARY 6, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0258

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 - Training Referral
# 2	4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked	Not Sustained - Training Referral
# 3	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	Not Sustained - Training Referral

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Training Referral
# 2	4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked	Not Sustained - Training Referral
# 3	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	Not Sustained - Training Referral

Named Employee #3

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	4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked	Not Sustained - Inconclusive
# 3	5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication	Not Sustained - Inconclusive

Named Employee #4

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	4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked	Not Sustained - Inconclusive
# 3	5.001 - Standards and Duties 11. 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:

It was alleged that named employee #1 (NE#1) was compensated for unworked hours. Specifically, while assigned to patrol SODO, NE#1 was allegedly compensated for unworked overtime hours. It was also alleged NE#1’s actions constituted unprofessionalism and dishonesty. OPA referred NE#1’s alleged SPD Policy 5.001-POL-10 (Employees Will Strive to be Professional) violation for supervisor action. A supervisor action “generally involves a minor policy violation or performance issue that is best addressed through training, communication, or coaching by the employee’s supervisor.” OPA’s Internal Operations and Training Manual 5.4(B)(ii). For supervisor actions, “OPA sends a memo mandating the employee’s supervisor to take specific, relevant action with the employee.” NE#1’s supervisor action, stated:

Requested Action of the Named Employee’s Supervisor: Please document by completing a Chain of Command Report, attaching the report to this case, and sending it to OPA through Blue Team.

1. Discuss complaint with Named Employee (s).

The rest of NE#1’s allegations are addressed in this DCM. Additionally, while investigating NE#1’s allegations, OPA identified named employees #2, #3, and #4 (NE#2, NE#3, and NE#4) as possibly violating the same SPD policies. On September 13, 2022, OPA sent the complaint to SPD for criminal investigation consideration. On November 14, 2022, SPD notified OPA that the Seattle’s City Attorney’s Office (CAO) reviewed the allegations and declined charges. Last, on February 2, 2023, Seattle’s Office of Inspector General certified OPA’s administrative investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

MOU

OPA reviewed an MOU between SPD and SODO BIA executed¹ November 7, 2017.² The purpose of that agreement was “to resolve ongoing and projected BIA safety concerns.” It arranged for SPD to provide the SODO BIA area with supplemental patrol units in exchange for SODO BIA covering related expenses. SPD agreed to supply no less than two officers weekly to “work flexible shifts.” The agreed service area was S Royal Brougham Way to S Hudson Street (north

¹ That agreement was signed by SPD’s chief operating officer and SODO BIA’s executive director.

² The agreed term was January 1, 2018, to December 31, 2018, but it could be extended by amendment “at the discretion of the Parties.” OPA located a May 2, 2022, agreement covering January 1, 2022, thru December 31, 2022.



to south)³ and East Marginal Way S to Interstate-5 (west to east). SODO BIA agreed to reimburse SPD for supplemental patrols upon invoice.

Computer-Aided Dispatch (CAD) Data, Event Overtime Summaries, Timesheets, and Surveillance Video

OPA reviewed the named employees’ CAD data, Event Overtime Summaries, timesheets, and exterior precinct surveillance footage for the days in question.

CAD is an emergency response system used to manage and track calls for service, dispatch units, and note real-time updates. CAD "resource history" documents officers’ response to calls for service. It includes information about resource deployments, officer location, nature of the call, response time, and other relevant details.

Event Overtime Summaries document officers’ overtime hours. See SPD Policy 4.020-POL-11(b). OPA reviewed Event Overtime Summaries reflecting the named employees’ reported overtime hours for SODO BIA detail.

OPA’s review of the named employees’ CAD resource history, Event Overtime Summaries, timesheets, and precinct surveillance video, during relevant times, is summarized below:

A. July 25, 2022

i. NE#1’s records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video ⁴
<ul style="list-style-type: none"> • 5:10 AM- Logged-in (regular shift) • 11:57 AM- Logged-off (regular shift) • No activity documented for emphasis shift 	SODO BIA detail overtime listed as noon to 6 PM emphasis shift (all hours marked as reimbursable)	Reflected NE#1 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 2:01 PM

ii. NE#2’s records (no record of working an emphasis shift that day)

iii. NE#3’s records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 4:45 AM- Logged-in (regular shift) • 11:44 AM- Logged-off (regular shift) • 12:25 PM- Logged-in (emphasis shift) • 5:15 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as noon to 6 PM (all hours marked as reimbursable)	Reflected NE#3 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 5: 14 PM

³ The southeast boundary ends south of S Edmunds Street.

⁴ OPA identified the named employees’ vehicles by make, model, and license plate registration.



B. July 27, 2022

i. NE#1's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 6:52 AM- Logged-in (regular shift) • 12:12 PM- Logged-off (regular shift) • 1:28 PM- Logged-in (emphasis shift) • 7:29 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as noon to 6 PM (all hours marked as reimbursable)	Reflected NE#1 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 5:06 PM

ii. NE#2's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 1:28 PM- Logged-in (emphasis shift) • 7:29 PM- Logged-off (emphasis shift) • 7:30 PM- Logged-in (regular shift) • July 28, 2022, at 12:55 AM- Logged-off (regular shift) 	SODO BIA detail overtime listed as noon to 6 PM (all hours marked as reimbursable)	Reflected NE#2 worked a full shift (9 hours) plus six additional hours.	Captured arriving at 1:02 PM, leaving the precinct in a personal vehicle at 5:11 PM, and returning at 6:37 PM (prior to his regular shift).

iii. NE#3 and NE#4 had no record of working an emphasis shift that day.

C. August 1, 2022

i. NE#1's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 12:31 PM- Logged-in (emphasis shift) • 7:36 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as 1 PM to 7 PM (all hours marked as reimbursable)	Reflected NE#1 worked six hours.	Captured arriving at 11:59 AM and leaving the precinct in a personal vehicle at 4:30 PM

ii. NE#2's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 1:29 PM- Logged-in • 7:36 PM- Logged-off 	SODO BIA detail overtime listed as 1 PM to 7 PM (all hours marked as reimbursable)	Reflected NE#2 worked a full shift (9 hours) plus 9 ½ additional hours.	Captured arriving at 1:08 PM and NE#2's personal vehicle remained at the precinct throughout the shift

iii. NE#3 and NE#4 had no record of working an emphasis shift that day.



D. August 3, 2022

i. NE#1's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> 6:27 AM- Logged-in (regular shift) 11:24 AM- Logged-off (regular shift) 1:16 PM- Logged-in (emphasis shift) 6:59 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as 1 PM to 7 PM (all hours marked as reimbursable)	Reflected NE#1 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 4:44 PM

ii. NE#2's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> 12:31 PM- Logged-in 7:36 PM- Logged-off 	SODO BIA detail overtime listed as 1 PM to 7 PM (all hours marked as reimbursable)	Reflects 9 hours of holiday time. ⁵	Captured arriving at 12:47 PM and NE#2's personal vehicle remained at the precinct throughout the shift

iii. NE#3 and NE#4 had no record of working an emphasis shift that day.

E. August 11, 2022

i. NE#1's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> 3:26 AM- Logged-in (regular shift) 12:01 PM- Logged-off (regular shift) 1:02 PM- Logged-in (emphasis shift) 5:06 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as 1 PM to 7 PM (all hours marked as reimbursable)	Reflected NE#1 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 5:23 PM

ii. NE#2's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> 1:02 PM- Logged-in (emphasis shift) 5:06 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as 1 PM to 7 PM (all hours marked as reimbursable)	Reflected NE#2 worked a total of 9 hours (three hours for a court appearance and six hours for the emphasis shift).	Captured arriving at 12:25 PM and leaving the precinct in a personal vehicle at 5:23 PM

iii. Precinct surveillance showed NE#3 and NE#4 arrive prior to their shift and leave after it ended.

⁵ This emphasis shift was not reflected on the timesheet.



F. August 12, 2022

i. NE#1's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 4:01 AM- Logged-in (regular shift) • 12:03 PM- Logged-off (regular shift) • 12:20 PM- Logged-in (emphasis shift) • 5:31 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as noon to 6 PM (all hours marked as reimbursable)	Reflected NE#1 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 5:21 PM

ii. NE#4's records

CAD Resource History	Event Overtime Summary	Timesheet	Surveillance Video
<ul style="list-style-type: none"> • 3:31 AM- Logged-in (regular shift) • 11:58 AM- Logged-off (regular shift) • 11:59 PM- Logged-in (emphasis shift) • 4:31 PM- Logged-off (emphasis shift) 	SODO BIA detail overtime listed as noon to 6 PM (all hours marked as reimbursable)	Reflected NE#4 worked a full shift (9 hours) plus six additional hours.	Captured leaving the precinct in a personal vehicle at 5:03 PM

iii. NE#2 and NE#3 had no record of working an emphasis shift that day.

OPA Interviews

NE#2

On December 6, 2022, OPA interviewed NE#2. He worked SODO BIA emphasis shifts July 27th and August 11th. NE#2 stated officers assigned to SODO BIA detail only respond to calls within SODO BIA district. NE#2 also stated officers working SODO BIA detail post at the South Precinct and are paid by submitting Event Overtime Summary forms. NE#2 stated officers commonly left shifts 15-45 minutes earlier than scheduled. NE#2 stated leaving early was a common practice for regular and overtime shifts. He did not recall taking lunch or coffee breaks during SODO BIA shifts. NE#2 stated officers working SODO BIA detail typically report the same hours on Event Overtime Summaries "to make it easier for the person entering in the time." NE#2 did not recall why he ended his August 11th emphasis shift at 5:23 PM, rather than 7 PM as scheduled. He did not recall whether he received permission to leave early and stated he was paid for the entire shift. NE#2 also reported spending considerable off-duty (uncompensated) time answering calls concerning SODO BIA.

NE#3

On December 7, 2022, OPA interviewed NE#3. He worked a SODO BIA emphasis shift on July 25, 2022. He described the detail as "an emphasis where officers respond to the needs of the BIA and calls for service within the BIA SODO area." NE#3 stated officers commonly logged-out "30-45 minutes before the end of their shift." NE#3 stated he did not take breaks during his emphasis shift. NE#3 also stated he routinely arrives 30 minutes to an hour early to prepare for shifts.



Further, NE#3 stated he was told SPD's Human Resources "only wanted overtime slips turned in with intervals of 30 minutes." NE#3 also reported working uncompensated time.

NE#4

On December 15, 2022, OPA interviewed NE#4. He worked a SODO BIA emphasis shift on August 12, 2022. NE#4 stated at the start of SODO BIA details either a sergeant or SODO BIA's executive director assigns tasks or areas of concern. He stated officers typically pre-filled out Event Overtime Summary forms. NE#4 also stated officers commonly log-off up to 45-minutes early, depending on the supervisor. He noted that logging-off does not mean the officer is not working, where officers commonly use the remaining time to complete paperwork. NE#4 also stated officers were typically allowed to leave early if their tasks were completed and the next shift arrived early to relieve them. NE#4 denied taking a lunch break during SODO BIA shifts and reported working uncompensated time on SODO BIA concerns.

NE#1

On December 15, 2022, OPA interviewed NE#1. He supervised SODO BIA emphasis shifts July 25th, July 27th, August 3rd, August 11th, and August 12th. NE#1 stated sergeants were required to arrive fifteen-minutes before patrol officers and allowed to leave fifteen-minutes before patrol officers. NE#1 also stated patrol officers commonly log-off regular and overtime shifts 15 to 45-minutes early. He stated, "often officers do not take breaks during their shift and then will stack them up at the end of their shift, which gives the appearance of officers leaving early." NE#1 also denied taking lunch breaks during SODO BIA shifts. Further, NE#1 stated SODO BIA officers reported "the same time on the Event Overtime Summary form. Even though the officers did not start at the same time." Regarding his July 25th early departure, NE#1 told OPA he suffered an illness but forgot to reflect it on his timesheet. He brought documentation of his doctor's visit to the OPA interview. For his July 27th emphasis shift, he stated he started at 11:30 AM which would have concluded the six-hour shift at 5:30 PM. He stated his accumulated breaks were applied to the last hour of the shift, where he was captured leaving the precinct. Similarly, he stated he applied "stacked breaks" to the end of his August 1st, August 3rd, August 11th, and August 12th shifts. NE#1 told OPA officers are entitled to a 30-minute lunch and two fifteen-minute coffee breaks per shift. NE#1 stated, prior to this OPA complaint, there were no guidelines for officers assigned to SODO BIA detail. Thereafter, on September 10, 2022, guidelines were released.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

Officers must adhere to laws and City and Department policies. SPD Policy 5.001-POL-2.

Here, OPA found NE#1's practice of inaccurate hour reporting and prematurely leaving shifts questionable, but stops short of finding it unlawful. Over six emphasis shifts, NE#1 was compensated for 12.25 unworked hours:

- 7/25/22 – roughly 4 unworked hours
- 7/27/22 – roughly 1 unworked hour
- 8/1/22 – roughly 2 ½ unworked hours
- 8/3/22 – roughly unworked 2 ¼ hours
- 8/11/22 – roughly 2 unworked hours
- 8/12/22 – roughly ½ unworked hour



Although OPA referred the matter for criminal investigation, SPD found no criminal activity. Similarly, CAO declined the case, stating it had no history of prosecuting time theft absent unusual circumstances. Likewise, OPA found sparse examples of time theft prosecutions, and those cases involved more egregious violations. *See Luke v. City of Tacoma*, No. C18-5245 BHS, 2018 WL 2985019 (W.D. Wash. June 14, 2018) (a retired Tacoma Police Department officer was prosecuted for violating RCW 9A.56.040 by “claiming to be on duty when he was in fact still working at the Port [of Tacoma].”)

While NE#1’s actions may not constitute a crime, they did violate City and Department policies. NE#1 apparently misunderstood the amount of break time an overtime shift afforded him. NE#1 told OPA he was entitled to a 30-minute lunch and two 15-minute coffee breaks. However, that only applies to regular nine-hour shifts, not overtime. A six-hour overtime shift entitled NE#1 to a 30-minute lunch break. *See City of Seattle Human Resources Personnel Rules 9.3.3-Lunch break* [“All hourly employees who work more than 5 consecutive hours shall take an **unpaid** lunch break of at least 30 minutes” (emphasis added)]. Additionally, “Lunch breaks shall begin no more than 5 and no less than 2 hours after the employee begins work for the day.” *Id.* Moreover, “employees shall be allowed a paid 15-minute rest break for each 4 consecutive hours of work time.” “Rest breaks shall be scheduled as near as possible to the midpoint of each 4-hour work period, subject to supervisory approval.” *Id.*

Here, NE#1 was entitled to, at most, a total of 45-minutes (a 30-minute lunch and 15-minute rest) of break time per six-hour overtime shift. However, policy clearly states lunch breaks are uncompensated. So, NE#1 was only entitled to a total of 1 ½ hours (15-minutes times six shifts) paid breacktime, rather than the 12.25 hours he took. During NE#1’s interview, he showed OPA a doctor’s note dated July 25, 2022, the day he reportedly left 4 hours early due to illness. However, even if NE#1 had an excusable reason for only working two-hours that emphasis shift, his claiming a full six-hour overtime shift on his timesheet was inexcusable. NE#1 told OPA he forgot to amend his timesheet to reflect his early departure, but that explanation is inexcusable, particularly for a sergeant responsible for overseeing SODO BIA shift timekeeping. Nevertheless, there is insufficient evidence NE#1’s oversight was intentional false reporting, rather than human error (particularly where there is evidence he grappled with an illness at that time).

Further, while OPA found no provision in the SPOG CBA or SPD/SODO BIA MOU entitling the named employees to more breacktime than what the Personnel Rules provide, there is insufficient evidence that “stacking breaks” and up to 45-minute early departure was not an established and recognized practice among patrol officers:

*For regularly appointed employees who are represented under the terms of a collective bargaining agreement, the Personnel Rules shall prevail except where they conflict with the employee’s collective bargaining agreement, any memoranda or agreement or understanding signed pursuant to the collective bargaining agreement, **or any established and recognized practice relative to the members of the bargaining unit** (emphasis added.)*

City of Seattle Human Resources Preamble.3 Application of Personnel Rules.

Here, the named employees all claimed “stacking breaks” was customary for patrol officers. They all told OPA that saving accumulated breacktime for an early departure was an established and recognized patrol practice. Similarly, they claimed leaving up to 45-minutes early with supervisor permission was also customary. While there is insufficient evidence to disprove the veracity of either claim, if true, both practices appear to undermine the benefit of SODO BIA’s bargain. Patrol officers who end shifts prematurely are unavailable to respond to calls. Yet still, the named employees claimed SODO BIA reimbursements for times when they were not on patrol or even at the precinct.



Further, even if it was patrol custom, saving a lunch break for the last hour of a six-hour shift is inconsistent with the law. See WAC 296-126-092 (Employees shall be allowed a meal period of at least thirty minutes which commences no less than two hours nor more than five hours from the beginning of the shift.) Moreover, if the named employees considered their reported but unworked hours entitled breaks, they were required to request those breaks prior to taking them—which none did. See SPD Manual 12.010-POL-4 (Field Units must request all coffee breaks and lunch breaks from their dispatcher.) Notably, the shift supervisor's (NE#1) 10.75 hours of unearned time markedly exceeded that of his subordinates:

- NE#2= 3.75 unearned hours
 - 7/27/22 – roughly 1.75 unworked hours (NE#2 arrived an hour late and left the precinct 45 minutes early)
 - 8/11/22- roughly 2 unworked hours
- NE#3= 0.75 unearned hour
 - 7/25/22- left roughly 45 minutes early
- NE#4= 1 unearned hour
 - 8/12/22- left roughly 1 hour early

Overall, OPA was inclined to sustain this allegation against NE#1 due to his supervisory role and unjustified actions. However, where the Department issued guidance outlining SODO BIA shift expectations on September 10, 2022 (almost a month after the period in question) and SODO BIA expressed overall satisfaction with officer responsiveness and its general arrangement with the Department, OPA recommends chain of command training, communication, and coaching for NE#1 and NE#2. Certainly, NE#1's 15-year career with limited OPA complaints and no sustained findings, along with the aforementioned reasons, significantly influenced OPA's recommendation.

Accordingly, OPA recommends this allegation be Not Sustained – Training Referral.

Required Training: NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policies 5.001-POL-2, 4.020-POL-1(6), and 5.001-POL-11 with NE#1, review the Department's September 10, 2022, email with subject line "SODO BIA Overtime Shifts" with NE#1, and provide any retraining and counseling it deems appropriate. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #1 - Allegation #2

4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked

For the reasons addressed at Named Employee #1- Allegation #1, OPA recommends this allegation be Not Sustained – Training Referral.

Required Training: NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policies 5.001-POL-2, 4.020-POL-1(6), and 5.001-POL-11 with NE#1, review the Department's September 10, 2022, email with subject line "SODO BIA Overtime Shifts" with NE#1, and provide any retraining and counseling it deems appropriate. Any retraining and counseling should be documented and maintained in Blue Team.



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

Named Employee #1 - Allegation #3

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

For the reasons addressed at Named Employee #1- Allegation #1, coupled with the elevated burden of proof, OPA recommends this allegation be Not Sustained – Training Referral. See SPOG CBA 3.1 [An “elevated standard of review (i.e. – more than preponderance of the evidence) applies to termination cases. There is “a presumption of termination” for allegations of “dishonesty in the course of the officer’s official duties...”]

Required Training: NE#1’s chain of command should discuss OPA’s findings with NE#1, review SPD Policies 5.001-POL-2, 4.020-POL-1(6), and 5.001-POL-11 with NE#1, review the Department’s September 10, 2022, email with subject line “SODO BIA Overtime Shifts” with NE#1, and provide any retraining and counseling it deems appropriate. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #2 - Allegation #1

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

Similar to NE#1, NE#2 has limited OPA complaints and no sustained findings. Accordingly, for the reasons addressed at Named Employee #1- Allegation #1, OPA recommends this allegation be Not Sustained – Training Referral.

Required Training: NE#2’s chain of command should discuss OPA’s findings with NE#2, review SPD Policies 5.001-POL-2, 4.020-POL-1(6), and 5.001-POL-11 with NE#2, review the Department’s September 10, 2022, email with subject line “SODO BIA Overtime Shifts” with NE#2, and provide any retraining and counseling it deems appropriate. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #2 - Allegation #2

4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked

For the reasons addressed at Named Employee #1- Allegation #1, OPA recommends this allegation be Not Sustained – Training Referral.

Required Training: NE#2’s chain of command should discuss OPA’s findings with NE#2, review SPD Policies 5.001-POL-2, 4.020-POL-1(6), and 5.001-POL-11 with NE#2, review the Department’s September 10, 2022, email with subject line “SODO BIA Overtime Shifts” with NE#2, and provide any retraining and counseling it deems appropriate. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #2 - Allegation #3



5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

For the reasons addressed at Named Employee #1- Allegation #1, coupled with the elevated burden of proof, OPA recommends this allegation be Not Sustained – Training Referral. See SPOG CBA 3.1.

Required Training: NE#2's chain of command should discuss OPA's findings with NE#2, review SPD Policies 5.001-POL-2, 4.020-POL-1(6), and 5.001-POL-11 with NE#2, review the Department's September 10, 2022, email with subject line "SODO BIA Overtime Shifts" with NE#2, and provide any retraining and counseling it deems appropriate. Any retraining and counseling should be documented and maintained in Blue Team.

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

Named Employee #3 - Allegation #1

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

For the reasons addressed at Named Employee #1- Allegation #1, particularly where NE#3 leaving 45-minutes early was reportedly consistent with patrol's "established and recognized practice," OPA found insufficient evidence NE#3 violated this policy.

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

Named Employee #3 - Allegation #2

4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked

For the reasons addressed at Named Employee #1- Allegation #1, particularly where NE#3 leaving 45-minutes early was reportedly consistent with patrol's "established and recognized practice," OPA found insufficient evidence NE#3 violated this policy.

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

Named Employee #3 - Allegation #3

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

For the reasons addressed at Named Employee #1- Allegation #1, particularly where NE#3 leaving 45-minutes early was reportedly consistent with patrol's "established and recognized practice," OPA found insufficient evidence NE#3 violated this policy.

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

Named Employee #4 - Allegation #1

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



For the reasons addressed at Named Employee #1- Allegation #1, particularly where NE#4 leaving 45-minutes early⁶ was reportedly consistent with patrol's "established and recognized practice," OPA found insufficient evidence NE#4 violated this policy.

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

Named Employee #4 - Allegation #2

4.020-POL-1 Reporting and Recording Overtime/Out of Classification Pay 6. Employees Are Compensated for Authorized Overtime Worked

For the reasons addressed at Named Employee #1- Allegation #1, particularly where NE#4 leaving 45-minutes early was reportedly consistent with patrol's "established and recognized practice," OPA found insufficient evidence NE#4 violated this policy.

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

Named Employee #4 - Allegation #3

5.001 - Standards and Duties 11. Employees Shall Be Truthful and Complete in All Communication

For the reasons addressed at Named Employee #1- Allegation #1, particularly where NE#4 leaving 45-minutes early was reportedly consistent with patrol's "established and recognized practice," OPA found insufficient evidence NE#4 violated this policy.

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

⁶ NE#4 left closer to an hour early but the application of the 15-minute paid break he was entitled to brought it to 45-minutes.