



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2014-0525

Issued Date: 03/31/2015

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (12) Integrity & Ethics – No Use of Position for Personal Gain (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Management Action)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (17) Integrity & Ethics – Avoid Conflicts of Interest (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Management Action)
Allegation #3	<u>Seattle Police Department Manual</u> 5.001 (18) Integrity & Ethics – Disclose Conflicts of Interest (Policy that was issued 07/16/14)
OPA Finding	Not Sustained (Management Action)
Final Discipline	N/A

INCIDENT SYNOPSIS

During a separate OPA investigation, OPA learned that the named employee was residing rent free in low-income housing because of his employment as a Seattle Police Department (SPD) officer. This arrangement had been on-going for several years.

COMPLAINT

The complainant, a supervisor within the Department, alleged that the named employee may have used his position of authority for personal gain by living rent free in low-income housing in exchange for his interaction with the community for police services. This may have been a conflict of interest as he was living in an area that he was responsible for patrolling as part of his regular police duties. This possible conflict of interest was not reported to his chain of command.

INVESTIGATION

The OPA investigation included the following actions:

1. Review of the complaint memo
2. Search for and review of all relevant records and other evidence
3. Review of the Seattle Ethics and Elections Commission Rules and Ethics Code
4. Interviews of witnesses
5. Interviews of SPD employees

ANALYSIS AND CONCLUSION

It is more likely than not that the named employee did not personally gain as a result of the free housing. The evidence showed that the named employee maintained a separate family residence throughout the duration of this arrangement and that he derived no rent or other income from his family residence. The available evidence indicates that SPD, rather than the named employee, was a party to the arrangement. The goal of the arrangement was to increase safety and security of the housing unit and was primarily for the benefit of the residents and not the named employee.

FINDINGS

Named Employee #1

Allegation #1

The evidence showed that SPD allowed the named employee to be placed in a situation fraught with ethical ambiguity without the benefit of a written agreement preceded by appropriate legal and organizational analysis and deliberation; therefore a finding of Not Sustained (Management Action) was issued for *No Use of Position for Personal Gain*.

Allegation #2

There is no evidence that showed the named employee either provided additional police services or avoided police action in exchange for the free housing. This arrangement should not have been authorized by SPD commanders without adequate review of the arrangement and a written agreement; therefore a finding of Not Sustained (Management Action) was issued for *Avoid Conflicts of Interest*.

Allegation #3

The policy requirement that employees must disclose conflicts was added in July 2014. The named employee ceased living in the unit in September 2014. Given the long-running nature of this arrangement and the named employee's well-grounded belief that his commander had approved the arrangement, it would be unreasonable to expect that the named employee should have known he had an obligation to report this possible conflict of interest. Therefore a finding of **Not Sustained** (Management Action) was issued for *Disclose Conflicts of Interest*.

The OPA Director's letter of Management Action recommendation to the Chief of Police is attached to this report.

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.



City of Seattle

Office of Professional Accountability

April 20, 2015

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

RE: MANAGEMENT ACTION RECOMMENDATION (OPA2014-0525)

Dear Chief O'Toole:

Recently, the Office of Professional Accountability (OPA) investigated a Seattle Police Department (SPD) employee for allegations he improperly accepted rent-free use of a Seattle Housing Authority (SHA) unit for family residential purposes. The OPA investigation determined that the SPD employee (a police officer) had been living rent-free in the SHA unit since 2009. The SPD officer in question had been assigned to provide policing services to the same SHA complex where he was living rent-free. The investigation determined that the arrangement to have a SPD officer live without cost in a SHA unit was initiated by SHA as part of a program that allows federally funded housing complexes to set aside one unit for living space for a "security station". The OPA investigation found that SHA specifically requested that the SPD officer in question be offered the opportunity to live in the unit so as to provide an on-site SPD presence and provide better policing services. This arrangement was approved by the officer's precinct commander at the time and continued for over four years until the OPA investigation commenced.

Our investigation of this arrangement between SHA, SPD, and the involved officer failed to find any evidence to show that the arrangement had been reviewed by senior management at SHA or SPD, the City Attorney's Office, or the Seattle Ethics and Elections Commission. In fact, it appears there was no agreement in writing between any of the involved parties to this arrangement. In my opinion, this situation placed the officer and the Department in a situation fraught with ethical ambiguities with no written agreement upon which to depend.

Recommendation: It is my recommendation that SPD scan the Department to determine if there are any other Department employees similarly situated such that they are receiving a benefit such as free housing from a non-SPD third party in connection with their position as a SPD employee. Any such arrangements found should be immediately reviewed to determine the appropriateness of the arrangement and whether or not it should continue. In addition, I recommend that the Department establish a clear policy and/or practice by which all such arrangements in the future will be adequately scrutinized for any actual or apparent legal prohibitions or ethical barriers. Any such arrangements should require approval by the Chief or Deputy Chief of Police.

Thank you for your prompt attention to this important matter of public trust in the integrity of 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,

Pierce Murphy
Director, Office of Professional Accountability