



## OFFICE OF PROFESSIONAL ACCOUNTABILITY

### Closed Case Summary

Complaint Number OPA#2016-0891

Issued Date: 03/31/2017

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.001 (2) Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Allegation #2	<u>Seattle Police Department Manual</u> 5.001 (12) Standards and Duties: Employees Shall Not Use Their Position or Authority for Personal Gain (Policy that was issued April 1, 2015)
OPA Finding	<b>Not Sustained</b> (Unfounded)
Final Discipline	N/A

#### **INCIDENT SYNOPSIS**

OPA received an anonymous complaint regarding the Named Employee.

#### **COMPLAINT**

An anonymous complainant alleged the Named Employee used a carpool parking pass, but did not actually carpool and was therefore in violation of city policy which provides that misuse of the permit may result in "a \$5,000 fine and up to one year in jail" which is a gross misdemeanor.

## **INVESTIGATION**

The OPA investigation included the following actions:

1. Review of the complaint
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

## **ANALYSIS AND CONCLUSION**

The OPA investigation revealed a nearly complete absence of clear rules, policy or regulation regarding the issuance and use of monthly carpool passes for the parking garage. The only evidence supporting this allegation was the Named Employee's own admission she continued to pay for and use her carpool pass after she lost her carpool partner and before she got a new one. Common sense should have told the Named Employee that she should check with the issuer of the parking permit to see if she needed to surrender it until she was able to obtain a new rider. However, the Named Employee could not be held accountable for not following a rule that may or may not exist. The other potential violation of the carpool parking pass rules was the fact that the Named Employee's new carpool partner was not a City employee. Written guidelines seemed to indicate that all riders must be City employees in order to use a carpool pass for the parking garage. However, the OPA investigation found that the Named Employee had been granted a so-called "grandfather" privilege so she could have a rider who was not a City Employee. This "grandfathering" of permit holders was not documented in the rules for carpool passes, but appeared to be an accepted practice employed by those administering the program.

The OPA investigation found no evidence to support the second allegation.

## **FINDINGS**

### **Named Employee #1**

#### Allegation #1

There was no evidence to support the allegation the Named Employee violated any law, ordinance, regulation or policy for which she was on notice with regard to her use of a carpool parking pass. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Must Adhere to Laws, City Policy and Department Policy*.

#### Allegation #2

The OPA investigation found no evidence to support this allegation. Therefore a finding of **Not Sustained** (Unfounded) was issued for *Standards and Duties: Employees Shall Not Use Their Position or Authority for Personal Gain*.

*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.*