



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 23, 2020

CASE NUMBER: 2019OPA-0034

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	Allegation Removed
# 2	4.010 - Employee Time Off 2. Employees Schedule Time Off With Their Sergeant/Supervisor	Allegation Removed

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 (Management Action)
# 2	4.010 - Employee Time Off 2. Employees Schedule Time Off With Their Sergeant/Supervisor	Allegation Removed

EXECUTIVE SUMMARY:

The Complainant alleged that numerous employees were stealing time by taking extended lunches and workouts, and that these employees repeatedly left work early.

ADMINISTRATIVE NOTE:

This case was 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 Named Employees. As such, the Named Employees were not interviewed as part of this case.

In addition, as no SPD employee was ever identified as the Named Employee in this case, the contractual 180-day deadline is inapplicable. As such, and for administrative purposes, OPA set the 180-day deadline as the date of this DCM.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

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

OPA has fully addressed this matter via the Management Action Recommendation issued below in the context of the unknown SPD employee. As such, it is unnecessary to also issue findings on the allegations against SPD, as a whole, and this allegation is removed.

Recommended Finding: **Allegation Removed**



Named Employee #1 - Allegation #2

4.010 - Employee Time Off 2. Employees Schedule Time Off With Their Sergeant/Supervisor

For the same reason as stated above (see Named Employee #1 – Allegation #1), OPA recommends that this allegation be removed.

Recommended Finding: **Allegation Removed**

Named Employee #2 - Allegations #1

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

On January 15, 2019, the Acting Captain in the Training Unit notified OPA of a complaint that she had received. The complaint was made by an anonymous individual who stated that they had regularly observed SPD personnel in the Training Unit leave work early. The individual alleged that supervisors as well as various Officers would leave work before 1100 hours and not return. The individual alleged that all the supervisors in the unit left early and named several specific individuals, as well as a “ghost crew” of Officers. The individual asserted that this widespread behavior constituted time theft. The individual explained that this behavior was endemic to the Training Unit and not exclusive to the identified Officers and supervisors. In the complaint she filed with OPA, the Acting Captain noted that she had not observed any of the Sergeants in the unit leaving early and was not personally aware of any information substantiating the allegations.

After receiving the letter, the Acting Captain went over expectations regarding scheduling time off during the Training Unit’s monthly meeting. She also informed the unit of the anonymous complaint and advised that she would be forwarding it to OPA for investigation. After the meeting, a Sergeant (who was also named in the anonymous letter) approached the Acting Captain and informed her that she had spoken to one of the Officers identified in the letter. The Sergeant stated that she became aware that there were some instances in which the Officer left work early. The Sergeant and a Lieutenant counseled that Officer. They reported that, as a result of this counseling, the Officer understood the unit’s expectations about scheduling time off.

OPA obtained the Proxy card and timesheet records for all of the individuals specifically referenced in the complaint. These records showed when the employees arrived at work but did not show if the employees worked at locations other than Park 90/5. Likewise, they did not show when the employees left the building. Because the complaint alleged ongoing behavior, OPA reviewed a random sample of the employees’ Proxy card records to determine their usual working patterns. The Proxy card records indicated that most of the employees in question entered the building between 0530 hours and 0630 hours. In addition, the Proxy card records indicated that at least two of the employees were last logged entering the building in the evening hours. Based on the random sampling observed by OPA, there did not appear to be any instances where Training Unit employees were systematically misrepresenting the hours they worked. However, because Proxy card records do not reflect when an employee leaves the building and because employees could work at locations not equipped with Proxy card readers (such as the range), OPA was unable to conclusively establish that all employees were working during the hours they listed on their timesheets.

While OPA’s initial review of the evidence did not yield clear evidence of time theft, given the nature of the allegations, OPA referred this case for criminal investigation. The assigned criminal investigator determined that there was insufficient evidence to meet a criminal filing standard. However, SPD’s Investigation Bureau noted the



need for additional measures to ensure effective timekeeping. These recommendations were referred to the then Deputy Chief, as well as the Assistant Chief of the Professional Standards Bureau, for action.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If it could be proven that the Training Unit employees incorrectly used and documented their time, this would constitute a violation of multiple City and Department policies, as well as potentially constitute criminal behavior.

As discussed above, given the information available and due to multiple evidentiary limitations, OPA was unable to determine whether or not employees in the Training Unit engaged in this conduct. Notably, because of the inconsistent placement of Proxy card readers throughout all of the facilities that these employees might access and because the Proxy card records for Park 90/5 (and, for that matter, all Department facilities) do not capture employee departures from the building, OPA is unable to conclusively establish or refute the allegations.

OPA agrees with the Investigations Bureau that additional measures are needed to ensure that time theft is not occurring, and that the Department is engaging in effective timekeeping. As such, OPA issues the below Management Action Recommendation.

- **Management Action Recommendation:** SPD should put in place additional measures to ensure that employees in the Training Unit and, for that matter, other specialty units, are working the hours they are being compensated for. OPA defers to the Department regarding how to effectuate this and understands that this may already be an issue that is being addressed by SPD.

Recommended Finding: **Not Sustained (Management Action)**

Named Employee #2 - Allegation #2

4.010 - Employee Time Off 2. Employees Schedule Time Off With Their Sergeant/Supervisor

OPA finds that this allegation is completely subsumed within Allegation #1, above. As such, OPA recommends that it be removed.

Recommended Finding: **Allegation Removed**