



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 6, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0095

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.120 Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 3. Certain Events Suspend Eligibility for Off-Duty Employment.	Not Sustained - Inconclusive
# 2	5.120 Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 8. Employees Must Report Each Off-Duty Shift in Blue Team.	Not Sustained - Lawful and Proper
# 3	5.120 Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 13. Employees Must Log-in at the Beginning of Their Off-Duty Shifts and Provide [...].	Not Sustained - Lawful and Proper

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:

An anonymous Complainant alleged Named Employee #1 (NE#1) engaged in unauthorized secondary law enforcement employment. Specifically, while on leave at the Department, NE#1 allegedly worked at Lumen Field in a law enforcement capacity without Department approval. The Complainant also alleged NE#1 failed to satisfy off-duty shift requirements.

SUMMARY OF INVESTIGATION:

OPA reviewed the OPA complaint, Computer-Aided Dispatch data, General Offense (GO)/incident reports, and body-worn video (BWV). OPA also interviewed NE#1.

A. OPA Complaint

On March 26, 2022, OPA received an anonymous complaint asking:

Why is [NE#1] requesting [SPD transport for an arrestee] over [West Precinct's] radio [from] Lumen Field when he is out on leave...?



The complaint included two related incident report numbers: 2022-75491 and 2022-075482. OPA opened an investigation.

B. Computer-Aided Dispatch (CAD)

CAD data for 2022-075482 was dated March 26, 2022 and listed the incident type as “Assault [domestic violence.] It also noted 2022-75491 as a related case. CAD data for 2022-75491, also dated March 26, 2022, the incident type was “[service call to] Assist SPD Routine,” and included the following remarks:

Pick up [domestic violence] assault [suspect] in custody... Just need transport to [King County Jail.]

A CAD update reflected NE#1 requested the subject’s transport from Lumen Field to the jail.

C. Human Resource Records

The Department’s human resources (HR) confirmed NE#1 started long-term leave October 15, 2021, where he was paid “utilizing accrued benefits.” Per HR, March 26, 2022 was NE#1’s furlough day. HR also confirmed NE#1 had “an ongoing Secondary Work Permit” for “Security” related work at Lumen Field, set to expire April 1, 2022.

D. Secondary Employer

NE#1’s Lumen Field supervisor emailed OPA to explain the scope of that employment. He wrote NE#1 started working there in 2017/2018. At that time NE#1 oversaw an “internal [off-duty] police department,” where “officers from many jurisdictions [came] together and [worked] directly for the [stadium] in an [off-duty] uniformed capacity.” Per the supervisor, in October/November 2021, NE#1’s role shifted “when [he] came to me and said he was temporarily stepping out of the law enforcement side of his role.” Thereafter, NE#1 worked un-uniformed as an “administrative support, liaison, and advisor.” That assignment continued until October/November 2022, when NE#1 returned to law enforcement work at the stadium.

E. Body-Worn Video (BWV)

BWV for 2022-75491 captured SPD’s response at the stadium to take custody of and transport the domestic violence arrestee. An SPD sergeant entered the stadium’s security office and conversed with a retired SPD employee before taking custody of the arrestee. NE#1 was not in the BWV.

F. Named Employee #1’s OPA Interview

On December 8, 2022, OPA interviewed NE#1. He stated he worked at the Department for 38 years and was a captain for 10 years. NE#1 stated on March 26, 2022, he was on HR’s unavailable list. He stated he was “not in secondary employment status that date,” as he was not working in a law enforcement capacity. NE#1 stated, in his non-law enforcement secondary employment work, he was un-uniformed, did not have a radio, and did not interact with the



public. He also described that work as consisting of setting up rooms, arranging meals, resolving timekeeping issues, and helping design security plans for large events. NE#1 denied going “on air” or logging onto a radio on March 26, 2022. He stated he possibly told the arresting agency, typically the King County Sheriff’s Office, about the stadium’s protocol of asking SPD for transportation assistance but could not say for certain. When asked about the CAD update referencing his name, NE#1 stated the stadium staffer who called 9-1-1 may have mentioned NE#1’s name to the call taker since several stadium workers know his SPD affiliation. Last, NE#1 stated the Department never instructed him not to work a non-law enforcement job while on HR’s unavailable list.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.120 - Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 3. Certain Events Suspend Eligibility for Off-Duty Employment.

The Complainant alleged NE#1 worked a second job while ineligible for off-duty employment.

The Department has the management right to regulate the law enforcement-related off-duty employment of its employees. SPD Policy 5.120-POL. This policy applies to the off-duty employment of Department employees. *Id.*

SPD Policy 5.120-POL explicitly governs secondary law enforcement work. Here, the evidence suggests on March 26, 2022, NE#1 worked in a non-law enforcement capacity at Lumen Field. That evidence includes NE#1 and his supervisor’s accounts. Specifically, by both accounts, NE#1 was limited to administrative tasks, was un-uniformed, did not have a radio, and had no contact with the public. Although a CAD update indicated NE#1 radioed for an arrestee’s transportation, NE#1’s explanation that the 9-1-1 caller likely mentioned his name due to NE#1’s Department rank was reasonably plausible.

Accordingly, OPA recommends this allegation be Not Sustained - Inconclusive

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #1 - Allegation #2

5.120 - Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities 8. Employees Must Report Each Off-Duty Shift in Blue Team.

The Complainant alleged NE#1 failed to report an off-duty shift in Blue Team.

Employees will report their off-duty job shifts, using Blue Team, by the conclusion of the employee’s next Department work shift. 5.120-POL-8. As an example, if the employee is flagging traffic for a construction company but is being paid by a third party, the employee will enter the name of the construction company, not the third party. *Id.*

For the reasons outlined at Named Employee #1 – Allegation #1, the evidence suggests NE#1’s non-law enforcement work was not subject to 5.120-POL. Moreover, the policy offers the law enforcement-related work of traffic flagging as an example of 5.120-POL-covered employment. Here, however, the nature and scope of NE#1’s administrative work did not trigger a requirement for a Blue Team entry.



Accordingly, OPA recommends this allegation be Not Sustained - Lawful and Proper

Recommended Finding: **Not Sustained - Lawful and Proper**

Named Employee #2 - Allegation #1

***5.120 - Off-Duty Employment 5.120-POL-1 Off-Duty Employment Eligibility, Requirements, and Authorized Activities
13. Employees Must Log-In at the Beginning of Their Off-Duty Shifts and [...].***

The Complainant alleged NE#1 failed to log in at the start of an off-duty shift.

For the reasons outlined above, the evidence suggests NE#1 was not required to log in at the beginning of a non-law enforcement shift.

Accordingly, OPA recommends this allegation be Not Sustained - Lawful and Proper

Recommended Finding: **Not Sustained - Lawful and Proper**