



CLOSED CASE SUMMARY

ISSUED DATE: JANUARY 12, 2024

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0406

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded

Named Employee #2

Allegation(s):		Director's Findings
# 1	1.020 – Chain of Command, 1.020-POL-7. Command Employees Take Responsibility for Every Aspect of Their Command	Not Sustained - Inconclusive
# 2	5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded

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:

Since July 29, 2022, Named Employee #1 (NE#1) worked remotely at the Seattle Police Department's (SPD) Internet and Telephone Reporting Unit (ITRU). The Complainant—an SPD captain—alleged that NE#1 did not log onto his assigned workstation or complete work on multiple days. It was also alleged that Named Employee #2 (NE#2)—an unknown employee—inadequately supervised NE#1's remote work.

ADMINISTRATIVE NOTE:

On January 8, 2024, the Office of Inspector General certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received a complaint and opened an investigation, reviewing email correspondence, remote log history, proximity card usage, timesheets, an event timeline, and the named employees' training records. OPA also interviewed NE#1 and witness employees.



A. OPA Complaint

The Complainant emailed an OPA complaint on November 21, 2022, writing, “[NE#1] has been paid as working for days he has not worked and while on vacation. He may be able to figure out the discrepancies and repay any undue amounts. I don’t think this was entirely a mistake.” The Complainant forwarded several attachments, including these relevant sections:

B. Email Correspondence

On August 11, 2022, Witness Supervisor #1 (WS#1)—a human resources (HR) lieutenant—emailed NE#1, approving him for limited duty in compliance with the restrictions outlined in the “Activity Prescription Form” (APF)—a form specifying a medical provider’s recommendations—and requiring him to report to his chain of command.

On November 30, 2022, Witness Employee #1 (WE#1)—an HR employee—emailed OPA, writing that NE#1 was authorized to work in a limited duty status at the West Precinct’s ITRU office from July 25 to December 31, 2022. WE#1 wrote that NE#1 was to report onsite on October 17, 2022. WE#1 provided OPA with an APF, signed by NE#1’s medical provider and dated October 24, 2022, instructing NE#1 to work remotely through December 31, 2022.

C. Remote Log History

The following summarizes NE#1’s remote log history from July 29 through November 30, 2022:

- From July 29 to September 8, no remote log was recorded.
- On September 9, NE#1 logged in at 1:49 PM, took no calls, and logged off at 1:52 PM.
- From September 10 to 11, no remote log was recorded.
- On September 12, NE#1 logged in at 7:24 PM, took no calls, and logged off at 8:37 PM.
- From September 13 to October 10, no remote log was recorded.
- On October 11, NE#1 logged in at 8:38 PM, took no calls, and logged off at 2:08 AM on October 12.
- On October 12, NE#1 logged in at 8:45 AM, logged off at 8:48 PM, logged in at 8:49 PM, took two calls, and logged off at 3:03 AM on October 13.
- On October 13, NE#1 logged in at 5:57 PM, logged off at 6:00 PM, logged in at 6:03 PM, took four calls, and logged off at 3:03 AM on October 14.
- From October 15 to November 14, no remote log was recorded.
- On November 15, NE#1 logged in at 4:59 PM, took one call, and logged off at 2:25 AM on November 16.
- From November 17 to 28, no remote log was recorded.
- On November 29, NE#1 logged in at 2:48 PM, took three calls, and logged off at 12:35 AM on November 30.
- On November 30, NE#1 logged in at 3:08 PM, took five calls, and logged off at 11:59 PM.

D. Proximity Card Usage

The following summarizes NE#1’s proximity card usage at the West Precinct from July through November 2022:

- On July 27, NE#1 used his proximity card at 1:56 and 1:57 PM.
- On July 28, NE#1 used his proximity card at 7:58 and 7:59 PM.
- On July 29, NE#1 used his proximity card at 7:45, 7:47, 7:50, 7:51, 7:52, and 8:28 PM.



- On September 2, NE#1 used his proximity card at 2:42, 2:45, and 3:22 PM.
- On September 9, NE#1 used his proximity card at 1:02 and 1:04 PM.

E. Timesheets

The following summarizes NE#1's timesheets from July 20 through November 22, 2022:

- From July 20 to August 2, NE#1 was on sick leave from July 22 to 25. NE#1 was on limited duty from July 28 to August 2. A sergeant approved NE#1's timesheet.
- From August 3 to 16, NE#1 was on limited duty. Witness Supervisor #2 (WS#2)—a West Precinct sergeant—approved NE#1's timesheet.
- From August 17 to 30, NE#1 was on sick leave on August 17 and 18. NE#1 was on vacation leave from August 19 to 30. WS#2 approved NE#1's timesheet.
- From August 31 to September 12, NE#1 was on limited duty from August 31 to September 4 and from September 6 to 13. WS#2 approved NE#1's timesheet.
- From September 14 to 27, NE#1 was on limited duty. WS#2 approved NE#1's timesheet.
- From September 28 to October 11, NE#1 was on limited duty from September 28 to October 7 and October 11. WS#2 approved NE#1's timesheet.
- From October 12 to 25, NE#1 was on limited duty. WS#2 approved NE#1's timesheet.
- From October 26 to November 8, NE#1 was on limited duty. WS#2 approved NE#1's timesheet.
- From November 9 to 22, NE#1 was on holiday leave from November 9 to 10. NE#1 was on limited duty from November 11 to November 18. WS#2 approved NE#1's timesheet.
- From November 23 to December 6, NE#1 entered no time. WS#2 approved NE#1's timesheet.

F. Timeline of Events

NE#1 generated a timeline of events for 2022 and attached supporting email correspondence:

- On July 17, NE#1 reinjured his lower back.
- On July 28, NE#1 wrote a memo to WS#1 requesting limited duty and to work remotely for ITRU. NE#1's medical provider recommended that NE#1 work from home due to his injury.
- On September 6, NE#1 emailed Witness Supervisor #3 (WS#3)—a West Precinct lieutenant—and WS#2 about information technology (IT) issues and training to complete. WS#3 and WS#2 confirmed receipt.
- On September 7, NE#1 emailed an IT employee requesting a proxy card to write ITRU reports remotely. The IT employee confirmed receipt and copied Witness Supervisor #4 (WS#4)—an ITRU sergeant.
- On September 9, NE#1 emailed WS#4 that his IT issues were resolved. WS#4 confirmed receipt.
- On September 14, NE#1 emailed WS#4 about using computer-aided dispatch. WS#4 sent two documents.
- On September 26, NE#1 requested an updated APF. NE#1 sent that updated APF.
- On October 12, NE#1 documented a phone conversation with WS#3, writing that NE#1 struggled with the ITRU system, so he trained with an ITRU officer.
- On October 13, NE#1 documented a phone conversation with WS#3, writing that NE#1 was reassigned to the West Precinct's ITRU, but WS#3 was unsure about NE#1's remote work as recommended in the APF. WS#3 also emailed NE#1 information consistent with that phone conversation.



- On October 14, NE#1 documented a phone conversation with WE#1, writing that WE#1 told him not to enter the West Precinct because SPD could be liable if he got injured again.
- On October 17, WS#3 emailed WS#1 to follow-up on NE#1's work status. No response was indicated.
- On November 2, WS#4 emailed NE#1, writing that WS#4 heard rumors that NE#1 would eventually be working remotely with ITRU.
- On November 9, NE#1 documented a phone conversation with the Complainant, writing that the Complainant asked why NE#1 took calls and suddenly stopped. NE#1 wrote that he told the Complainant that WS#3 ordered him not to log in remotely, that WS#3 ordered him to work at the West Precinct, and that he received no follow-up to his APF advising him to work remotely. NE#1 emailed the Complainant, writing, "Per your request, my last shift of ITRU (remote) was October 13, 2022, as ordered." No response was indicated.
- On November 14, NE#1 emailed WS#4, writing, "I am still awaiting orders about remote work." NE#1 also wrote, "There was no clarification as remote work can resume." WS#4 replied, "As I said over the phone, it is still my understanding that you are assigned to ITRU and are to be doing calls remotely." WS#4 also replied, "Anyways, I know you feel like you have been given conflicting orders, so I understand you feel like you are on standby status." WS#4 advised NE#1 to "verify from multiple sources" about his work status.
- On November 15, NE#1 emailed Witness Supervisor #5 (WS#5)—an HR sergeant—and WS#4, writing that he had pre-approved time off from October 30 to November 12, November 16 to 24, and November 27 to 30. Both sergeants confirmed receipt.
- On December 11, WS#1 emailed NE#1, writing, "Your remote limited duty assignment is ending immediately. You will be placed on a 5/2 schedule as your medical provider has not released you to full duty or a restricted duty status with limitations we can accommodate." NE#1 documented a phone conversation regarding productivity issues and training with WS#5 and the Complainant.

G. Training Record

NE#1's training record indicated that NE#1 took training courses on August 16, September 1, September 16, October 19, October 24, December 14, December 15, and December 22, 2022.

H. OPA Interviews

OPA interviewed eight witness employees—including the Complainant—and NE#1.

a. Witness Employees

OPA interviewed WE#1 on February 15, 2023. WE#1 said she worked in HR. WE#1 said NE#1 was approved to work limited duty due to a documented injury. WE#1 said NE#1 was supposed to report to WS#2 and WS#3. WE#1 said WS#2 was supposed to supervise NE#1's time. WE#1 said the Complainant approved NE#1's limited duty, in-person work for ITRU on October 17 and that WS#4 would supervise NE#1's time. WE#1 said she emailed NE#1 to stand by, as she did not want NE#1 to physically report to work because SPD could be liable for another injury to NE#1 if he went against his medical provider's advice. WE#1 said she wanted clarification from WS#1 about remote working.

OPA interviewed Witness Supervisor #6 (WS#6)—an ITRU lieutenant—on March 3, 2023. WS#6 said he led ITRU. WS#6 said he was told that NE#1 was last logged into his computer in September 2022. WS#6 said NE#1 was trained in July and given the ITRU manual. WS#6 said he told the Complainant that NE#1 did not write reports. WS#6 said NE#1 was



moved to the ITRU chain of command in mid-October and that WS#4 supervised NE#1's time. WS#6 noted that between October 12 and December 9, NE#1 wrote 37 reports—29 of which were completed in two weeks. WS#6 said NE#1 was told to write more reports.

OPA interviewed WS#4 on March 8, 2023. WS#4 said he was a sergeant who supervised the ITRU. WS#4 said he did not know when NE#1 officially started with ITRU but was notified on October 27. WS#4 said limited duty ITRU officers stay assigned to their precinct under their chain of command. WS#4 said no one else in ITRU worked remotely, but he was notified that NE#1 would work remotely.

OPA interviewed WS#2 on March 8, 2023. WS#2 said his understanding was that NE#1 would report to WS#4 because NE#1 was officially assigned to ITRU in a limited-duty status. WS#2 said there were no instructions about how often he should check in on NE#1. WS#2 said he checked on NE#1 over several months and approved his timesheets with WS#4. WS#2 said he was confused when he did not see NE#1 and did not know whether NE#1 was officially assigned to ITRU. WS#2 assumed WS#4 approved NE#1's reports. WS#2 said the Complainant did not ask about NE#1. WS#2 opined that any mistakes could have been resolved internally and that the confusion of this situation and the complaint process had negatively affected NE#1.

OPA interviewed WS#1 on March 8, 2023. WS#1 said he worked as a lieutenant in HR. WS#1 said NE#1 was approved for limited duty through his chain of command. WS#1 said NE#1 was assigned to the West Precinct's ITRU on October 17 and was supposed to report to WS#6. WS#1 said the chain of command decided on limited-duty assignments and locations. WS#1 described confusion with limited duty assignments, saying that employees were listed as "HR unavailable" and, therefore, basically under his command. WS#1 said limited-duty employees still reported to their chain of command on timesheets and leave requests. WS#1 said, "I don't think that there is clear direction even from the chain of command in our policy of what the expectations are when we have folks that go out on limited duty."

OPA interviewed WS#3 on March 16, 2023. WS#3 believed NE#1 was assigned limited duty and permitted to write ITRU reports remotely. WS#3 said he was unsure who assigned NE#1 to ITRU, could not recall whom NE#1 was supposed to report to, did not know who assigned work to NE#1, and did not know who told NE#1 remote work expectations. WS#3 said, "I don't know the exact policies regarding who should check on [NE#1] daily. I would imagine that would be, I don't know, a combination of, you know, his regular sergeant and the ITRU sergeant." WS#3 could not recall discussing with his chain of command, HR, or WS#2 about supervising NE#1.

OPA interviewed the Complainant on December 14, 2023. The Complainant said WS#6 told him that NE#1 did not report to ITRU and NE#1's laptop was not being used for report writing. The Complainant did not recall approving NE#1's limited duty status, said he did not know who approved NE#1's remote work, and said no one worked remotely while on limited duty. The Complainant described a phone conversation with NE#1, who said he did not know how to use the system, could not write reports, and was told by WE#1 to stand by, so NE#1 completed training while waiting for further direction. The Complainant said he told NE#1 that this was an inappropriate use of time because NE#1 was getting paid while not working. The Complainant said he told NE#1 that NE#1 could no longer work remotely. The Complainant noted NE#1 was marked present but did not work and did not follow up with a supervisor for work. The Complainant said he was unsure who approved a limited duty officer's timesheet. The Complainant said NE#1's confusion about dealing with multiple chains of command was an excuse.



OPA interviewed WS#5 on January 4, 2024. WS#5 said he worked in HR. WS#5 said he was not involved in NE#1's assignment and did not recall how he became aware of this incident. WS#5 said he contacted NE#1 about his workload and understood that NE#1 was assigned to ITRU, though he was unfamiliar with how light duty assignments worked because he was new to HR. WS#5 said he had a phone conversation with NE#1 in which they discussed NE#1's pre-approved leave and NE#1 wanting to do the right thing by reporting in, being told to stand by, and waiting for further direction. WS#5 said he told NE#1 that he would try to get more information for NE#1 and directed NE#1 to resume working. WS#5 said he briefed the Complainant, who expressed concern about the minimal work completed. WS#5 said a limited duty officer typically reports to multiple chains of command at the start of his assignment. However, WS#5 could not recall a situation where an officer assigned to ITRU reported to his usual chain of command.

b. Named Employee #1

OPA interviewed NE#1 on December 6, 2023. NE#1 said he was not trained in taking ITRU calls or using ITRU systems. NE#1 said he received an ITRU computer on or about September 6, which had IT issues. NE#1 said he read the policy and completed training while waiting for IT issues to be resolved, as he could complete these tasks using his personal computer. NE#1 said he understood his chain of command was WS#2 and WS#3 and notified them of IT issues. NE#1 said he emailed IT and ITRU in September for additional training because he did not know how to use the software. NE#1 said he spoke to different sergeants to determine how to use the ITRU systems. NE#1 said he could write reports only after an ITRU officer trained him on October 12. NE#1 said WS#3 called him the next day on October 13, and ordered him, through the Complainant, not to log in remotely anymore. NE#1 said that on October 14, WE#1 told him not to enter the West Precinct, so he waited for further direction. NE#1 said he did not remotely log in and did not know how his time was being marked or who approved it. NE#1 said the Complainant called him on November 9 about why he stopped working, and NE#1 responded that he was ordered not to log in remotely. NE#1 said WS#5 told him everything was a big mess and the command's mistake and instructed him to resume ITRU work. NE#1 said he did not know he was being marked as working when he was on pre-approved leave and did not know what happened with his time. NE#1 said he complied with all orders, but many different sergeants, lieutenants, and command staff who communicated conflicting information were involved.

NE#1 responded to the allegations in this OPA complaint. NE#1 said he received a working ITRU computer in September. NE#1 said his emails to different supervisors showed that he had IT problems and tried to get them fixed. NE#1 said he did his best despite his back injury but received no direction. NE#1 said he frequently communicated with multiple chains of command and ITRU officers.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 was unprofessional by avoiding work during limited duty.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.*

NE#1 was approved for limited duty between July 25th and December 31st. NE#1 said he received an ITRU computer on September 6, but after receiving it, he experienced network and IT issues. After these issues were resolved, the



evidence indicates that, in September, NE#1 completed training, reviewed policy, and learned ITRU systems. NE#1 took calls after ITRU officers trained him around October 12th. Emails indicated that NE#1 was told to physically report to the West Precinct's ITRU on October 17th. However, on October 14th, he was told not to enter the West Precinct due to liability concerns. NE#1 also said that on October 13, he was ordered not to log in remotely—no witness supervisor refuted that information.

Several witness supervisors provided NE#1 with confusing or conflicting information about where to report, who to report to, and his responsibilities. Several emails indicated that NE#1 sought clarification, followed up with witness supervisors, and complied with their orders. Notably, no witness supervisor ever alleged that NE#1 failed to comply with an order. Several emails also indicated that NE#1 needed more training on ITRU policy, software, and his duties but was hindered by confusing and conflicting instructions. The evidence suggests a lack of coordination and communication between HR, NE#1's chain of command, and ITRU's chain of command.

Emails from NE#1 and his documented phone conversations with witness supervisors indicate due diligence on NE#1's part to comply with witness supervisors' orders, HR's instructions, and his medical provider's recommendation. NE#1 said he trained, worked out IT issues, and reviewed policy when he could not work. However, such activities could only be corroborated for so many days. Assuming NE#1 received his ITRU computer on September 6, much of August remained unaccounted for, especially considering that NE#1 completed one training course on August 16. In September, NE#1 completed two training courses, experienced IT issues for several days and wrote no ITRU reports. In October, NE#1 completed two training courses and took several ITRU calls until he was given conflicting information about whether to report physically to the West Precinct's ITRU. NE#1 was on pre-approved leave for most of November. NE#1 completed three training courses in December. The record reflects a disorganized working schedule with no clear direction from any chain of command. To the extent NE#1 either was not or was unable to complete reports for ITRU during this time, OPA noted an absence of contemporaneous documentation from supervision to NE#1, noting the deficiency and providing a correction.

OPA finds that more likely than not, NE#1's low level of work product from August through November 2022 resulted from confused communication and inadequate oversight by supervisors and management and not individual unprofessionalism on the part of NE#1.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #2

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

The Complainant alleged that NE#1 violated the ITRU manual.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2. When limited duty officers are assigned to ITRU, shift hours will be 6:00 AM to 3:00 PM (day shift) and 3:00 PM to 12:00 AM (swing shift). ITRU Manual section 1.020. An ITRU sergeant will assign limited duty officers to a court code based on ITRU needs, and the precinct commander will assign work hours to precinct ITRU officers. *Id.*



Here, NE#1's remote log records indicated that NE#1 was logged into his computer outside ITRU shift hours five times between October and November. However, NE#1 said he was assigned to work third watch hours (between 7 PM and 4 AM) in ITRU—information no witness supervisor refuted. The five times NE#1 was logged in were consistent with third watch hours but inconsistent with ITRU shift hours. The record reflects no clear direction from ITRU's chain of command regarding NE#1's work hours. Additionally, there is insufficient evidence that an ITRU sergeant assigned NE#1 to a court code or that a precinct commander assigned work hours to NE#1. Based on these facts, OPA cannot conclude that NE#1 violated the ITRU manual.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #2 – Allegation #1

1.020 – Chain of Command, 1.020-POL-7. Command Employees Take Responsibility for Every Aspect of Their Command

The Complainant alleged that NE#2 failed to supervise NE#1.

Employees in a supervisory role will coordinate and direct subordinates and allocate resources to achieve the operation's objective. SPD Policy 1.020-POL-7. Employees in a supervisory role will perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide themselves and their command in achieving the highest level of performance possible. *Id.*

Here, NE#1 interacted with several witness supervisors from different chains of command during his limited duty status, but his direct supervisor needed clarification. The situation was confusing. WS#1 said employees listed as "HR unavailable" were under his command but reported on timesheets and leave requests to their chain of command. WS#2 approved all of NE#1's timesheets except for one work period. WS#2 said his understanding was that NE#1 would report to WS#4 because NE#1 was officially assigned to ITRU in a limited duty status, and WS#4 was ITRU's supervising sergeant. WS#2 said there were no instructions about how often he should check on NE#1. However, WS#4 said he was unsure when NE#1 officially started at ITRU and about remote work arrangements. Emails between NE#1 and WS#4 also indicated confusion. On November 14, WS#4 emailed NE#1, "Anyways, I know you feel like you have been given conflicting orders, so I understand you feel like you are on standby status." WS#3 expressed confusion about NE#1's supervisor, saying he was unsure of whom NE#1 was supposed to report to. WS#3 said, "I don't know the exact policies regarding who should check on [NE#1] daily. I would imagine that would be, I don't know, a combination of, you know, his regular sergeant and the ITRU sergeant." Finally, NE#1 expressed confusion about whom he reported to, saying that so many different supervisors and command staff were involved who communicated conflicting information.

NE#2 could not be identified, but several witness supervisors frequently communicated with NE#1 by email and phone. These witness supervisors had no experience supervising limited-duty officers working remotely. The witness supervisors were uncertain about how often they needed to check on NE#1. The record reflects disorganized communication with no clear direction or expectations from any chain of command. The evidence suggested NE#1 was the only ITRU officer ever assigned limited duty for remote work, an unusual situation that appears to have significantly contributed to the confusion. Because of the unique nature of the situation, OPA does not find this matter



appropriate for a Management Action Recommendation. However, OPA recommends that human resources and ITRU review this situation to limit future mishaps.

As NE#2 could not be identified, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

Named Employee #2 – Allegation #2

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

The Complainant alleged that NE#2 violated the ITRU manual.

While the ITRU manual provides for a staffing structure and specifies that precinct sergeants supervise ITRU officers, it remains silent on supervisors' expectations in supervising their subordinates. Therefore, NE#2 could not have violated the current ITRU manual.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**