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**Issued Date:** APRIL 16, 2024

**From:** Director Gino Betts, Jr.   
Office of Police Accountability

**Case Number:** 2023OPA-0386

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

1. **Allegation #1:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional  
**Finding:** Sustained
2. **Allegation #2:** 5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication.  
**Finding:** Not Sustained - Inconclusive
3. **Allegation #3:** 5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer  
**Finding:** Not Sustained - Inconclusive
4. **Allegation #4:** 5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy  
**Finding:** Not Sustained - Inconclusive
  - **Proposed Discipline:** One to Three Day Suspension
    - **Imposed Discipline:** One Day Suspension

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**This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections may be written in the first person.**

### **Administrative Note on Proposed Findings:**

When the OPA Director recommends a sustained finding for one or more allegations, a discipline committee, including the named employee's chain of command and the department's human resources representative, convenes and may propose a range of disciplinary to the Chief of Police. While OPA is part of the discipline committee, the Chief of Police decides the imposed

discipline, if any. See OPA Internal Operations and Training Manual section 7.3 – Sustained Findings.

**Executive Summary:**

It was alleged that the Named Employee #1 (NE#1) was routinely late for and departed early from work and failed to check in for telework shifts as required. It was further alleged that NE#1’s behavior led to her collecting unearned wages.

**Administrative Note:**

On March 1, 2024, the Seattle Office of Inspector General fully certified this investigation as thorough, timely, and objective.

**Summary of Investigation:**

Complaint On September 1, 2023, the Complainant, a precinct captain, submitted an OPA complaint concerning NE#1, the Complainant’s administrative assistant. The Complainant suggested that NE#1 was “late numerous times when working the current split shift and when I was...on vacation.” The Complainant said he was on scheduled leave from July 28, 2023, to August 14, 2023. Witness Employee #1 (WE#1), a lieutenant, served as acting captain during that period. The Complainant said that when he returned to work, he learned that NE#1 was granted a temporary work accommodation on August 10th. NE#1 new schedule, effective August 11-September 9, 2023, required her to “report to work...in person Monday through Friday 0930 to 1400 hours [and] telework from 1500 to 1830 hours.” NE#1 was required to check in with and report to Witness Employee #2 (WE#2), a watch commander, during her telework hours. On August 23rd, WE#1 told the Complainant that NE#1 was late to work several times during the Complainant’s vacation. Similarly, WE#2 reported that NE#1 failed to check in for telework. The Complainant had Witness Employee #3 (WE#3) review the precinct’s security camera footage for NE#1’s comings and goings. WE#3 flagged the following work arrival times:

NE#1’s work schedule: Monday through Thursday (0600-1530 hours) and every second Friday (0600-1430 hours)

- 7/28/23 Friday 9:36 AM
- 7/31/23 Monday- 11:13 AM
- 8/1/23 Tuesday- 9:40 AM
- 8/2/23 Wednesday- 10:34 AM
- 8/3/23 Thursday- 10:14 AM
- 8/8/23 Tuesday- 9:42 AM
- 8/9/23 Wednesday- 10:05 AM
- 8/10/23 Thursday- 10:07 AM

NE#1’s temporary accommodation work schedule: Monday through Friday (in office: 0930 to 1400 hours and telework: 1500 to 1830 hours).

NE#1's temporary accommodation required her to notify WE#2 by email or via TEAMS chat when she started a telework shift and before break periods. NE#1 was required to be available the entire telework shift, except for her allotted 15-minute break.

- 8/11/23 Friday- 10:43 AM
- 8/14/23 Monday- 9:30 AM
- 8/15/23 Tuesday- 10:06 AM
- 8/16/23 Wednesday- 9:47 AM
- 8/17/23 Thursday- 9:44 AM
- 8/18/23 Friday- 0.5 telework/7.5 H
- 8/21/23 Monday- 9:30 AM
- 8/28/23 Monday- 09:30 AM
- 8/29/23 Tuesday- 09:42 AM

### *Human Resources Analysis*

SPDHR analyzed NE#1's work attendance from June 1, 2023, to August 29, 2023. That analysis was based on WE#3's precinct video review, NE#1's prox card data, NE#1's TEAMS records, correspondence from the Complainant to NE#1 concerning her work schedule, and NE#1's temporary accommodation. Proximity cards or prox cards are held to a reader to allow for contactless employee identification. SPDHR determined that NE#1 was late 32 times from June 1st to August 10th, ranging from 37 minutes to 4 hours 45 minutes late. SPDHR noted that NE#1's tardiness was not reflected on her timecard or payroll records. From August 10th to August 29th, during NE#1's temporary accommodation period, SPDHR determined she was late five times, ranging from five to thirteen minutes. Those late days were not reflected on NE#1's timecard or payroll records. NE#1's late arrivals during the review periods totaled 109 hours and three minutes.

From June 1st to June 20th, SPDHR determined that NE#1 left work early five times, ranging from 50 minutes to an hour and 39 minutes. Those early departures were not reflected on her timecard or payroll records.

From June 21st to August 10th, SPDHR determined that NE#1 left work early 18 times, ranging from 55 minutes to an hour and 51 minutes. Those early departures were not reflected on her timecard or payroll records. NE#1's late arrivals totaled 30 hours and 40 minutes during the reviewed periods.

SPDHR also determined that from August 10th to August 29th, NE#1 notified WE#2 of five out of ten telework shifts and three breaks despite an August 21st reminder from SPDHR. SPDHR further determined that NE#1 was unavailable via TEAMS on at least five days when WE#2 checked. NE#1's inactivity periods during telework shifts ranged from 55 minutes to three hours, totaling eight hours and 36 minutes during the reviewed period.

SPDHR estimated that NE#1's late starts, early departures, and unavailability during telework shifts amounted to 148 hours and 19 minutes of unearned compensation.

## *OPA Interviews*

OPA interviewed the Complainant on February 13, 2024. The Complainant said he had supervised NE#1 since December 2021, when the Complainant was an operations lieutenant. The Complainant said that when he became captain, he did not track NE#1's attendance but noticed she was generally not at her desk at 0600 hours, her scheduled start time. The Complainant said he approved NE#1's timecards, trusting she accurately reported her hours worked. He said he returned from vacation on August 14th, when WE#1 and WE#2 separately reported that NE#1 did not adhere to her accommodation terms during the Complainant's absence. The Complainant said he reviewed the precinct's security camera videos and NE#1's prox card data, both reflecting NE#1's routine tardiness. He said he would be unconcerned with NE#1 arriving a few minutes late, but his review established she was regularly 30-45 minutes late. The Complainant said he did not assign NE#1 work for her telework shifts since "there's no point for an [administrative assistant], especially [a] captain's [administrative assistant], to be working remotely at home. Because the main thing is, we need her here at the precinct." He described NE#1's role as "pretty much the face of the upper chain of command. When the captain is not [at the precinct] ...the captain's [administrative assistant] should be able to provide some kind of assistance to our personnel." The Complainant said NE#1 asked him for an alternative work arrangement in June 2023 due to childcare challenges. He acknowledged that NE#1 appeared less frequently and egregiously tardy after her start time was switched to 0900 hours on August 11th. The Complainant said he advised his reports to "take care of their families first," but said that directive meant there was flexibility when necessary rather than permission to be regularly late.

OPA interviewed NE#1 on January 29, 2024. NE#1 said that, before the Complainant's promotion, his predecessor allowed her to arrive at 01000 hours. She acknowledged that the Complainant required her to work her scheduled hours. NE#1 said a medical condition made the 0600 hours start time challenging, so she sought and received an accommodation to start at 0900 and leave at 1400 hours or start at 0930 and leave at 1430 hours, then telework until 1800 or 1830 hours. She believed that, before securing an accommodation, her departure time was contingent on her ability to secure childcare rather than her scheduled 1530 hours end time. OPA showed NE#1 SPDHR's analysis reflecting her start and end trends, which NE#1 said was a mischaracterization. NE#1 insisted that, before receiving notice of the underlying OPA complaint, she believed she was only required to be available rather than physically at the precinct at her start time. She also described her duty to check in with WE#2 for telework shifts as confusing since WE#2 did not respond to her TEAMS chats. NE#1 also insisted that her TEAMS "last seen online" record inaccurately reflected her work and availability during telework shifts.

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## **Analysis and Conclusions:**

### **Named Employee #1 - Allegation #1**

#### ***5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional***

The Complainant alleged that NE#1 was routinely late for and departed early from work and failed to check in for telework shifts as required, resulting in her compensation for unworked hours.

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.” *Id.*

Here, SPDHR’s analysis of NE#1’s arrivals and departures and the Complainant’s observations established that NE#1 more likely than not failed to meet the department’s professionalism standards. SPDHR’s analysis showed that NE#1 was late at least 32 days before her accommodation period, including being over three hours late three days, four hours late four days, and once over five hours late. While the Complainant acknowledged encouraging his reports to “take care of family first,” NE#1’s behavior, at minimum, abused that latitude. Moreover, after securing a 0900-hour start, NE#1 was still late, albeit far less egregiously.

Similarly, NE#1 routinely left early. From June 1st to June 20th, SPDHR determined that NE#1 left work early five times, ranging from 50 minutes to an hour and 39 minutes. From June 21st to August 10th, SPDHR determined that NE#1 left work early 18 times, ranging from 55 minutes to an hour and 51 minutes. Additionally, during telework shifts, NE#1 was found to be generally unavailable and failed to check in with WE#2 despite it being a requirement for her accommodation and being reminded by SPDHR.

Overall, SPDHR’s analysis, reviewing the precinct’s cameras and NE#1’s prox card activity, estimated that NE#1 was paid for 148 hours and 19 minutes of unworked time.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

**Named Employee #1 - Allegation #2**

**5.001 - Standards and Duties 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication.**

The Complainant alleged that NE#1’s timecard reporting was untruthful.

Department employees to be truthful and complete in all communications. SPD Policy 5.001-POL-11.

While NE#1’s timecards inaccurately reflected her actual hours worked, OPA refrains from finding that NE#1 was intentionally deceitful. The Complainant, who approved NE#1’s timecards, is not without culpability. OPA appreciates that the Complainant was newly promoted and adjusting to managing an entire precinct. Still, he did not challenge NE#1’s reported hours despite knowing she was generally not at her desk at 0600 hours, their shared start time. NE#1 told OPA that she believed she was only required to be available at her start time rather than at her desk. However, it is unclear how she reached that belief. There is no evidence that the Complainant or SPDHR approved that arrangement. Moreover, if NE#1 truly believed she could arrive and leave as she

pleased, it is unclear why she sought a work schedule accommodation. Ultimately, OPA finds that Named Employee #1 - Allegation #1 best addresses NE#1's misconduct.

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

Recommended Finding: **Not Sustained - Inconclusive**

**Named Employee #1 - Allegation #3**

**5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer**

The Complainant alleged that NE#1 failed to follow an order.

SPD Policy 5.001-POL-15 requires that Department employees obey any lawful order issued by a superior officer. Failure to do so constitutes insubordination.

NE#1's accommodation required her to check in with WE#2 via TEAMS chat at the start of telework shifts and breaks. SPDHR's analysis, including TEAMS records, showed that NE#1 only checked in five out of ten shifts and was unavailable for extensive periods. OPA acknowledges that NE#1's actions may technically violate SPD Policy 5.001- POL-15 but determines that Named Employee #1 - Allegation #1 best covers NE#1's misconduct.

Recommended Finding: **Not Sustained - Inconclusive**

**Named Employee #1 - Allegation #4**

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

The Complainant alleged that NE#1 violated the law and department policies by being compensated for unworked time.

Employees adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

While NE#1's actions may arguably constitute theft, OPA believes sustaining Named Employee #1 - Allegation #1 is the most appropriate disposition—particularly when the intent element is shaky, as discussed at Named Employee #1 - Allegation #2. RCW 9A.56.020.

Recommended Finding: **Not Sustained - Inconclusive**