

Issued Date: JANUARY 21, 2025

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

Case Number: 2023OPA-0499

Allegations of Misconduct & Director's Findings

Named Employee #1

1. **Allegation #1:** 5.001 - Standards and Duties 5.001-POL 10. Employees Will Strive to be Professional

Finding: Sustained

2. **Allegation #2:** 5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer

Finding: Sustained

3. **Allegation #3:** 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication

Finding: Sustained

- **Imposed Discipline:** Resigned Prior to Proposed Discipline – Termination

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.

Executive Summary:

The Complainant alleged that Named Employee #1 (NE#1)—a former civilian investigator—was unprofessional, insubordinate, and untruthful when he disregarded an order not to remain in an SPD facility overnight, lied about the issue to his supervisor and failed to communicate with his supervisor concerning attendance adequately.

Administrative Note:

On April 3, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

Summary of Investigation:

On November 6, 2023, the Complainant—a civilian supervisor—filed an OPA complaint alleging NE#1, her subordinate, misused City property, was dishonest, and inadequately communicated his attendance with her. The Complaint attached two memorandums and supporting prox card documentation. The Complaint also provided supporting security video, email and text messages, and documents related to the Complaint’s hiring, training, and accommodation.

OPA investigated the complaint, reviewing the materials by the Complainant, interviewing the Complainant, and corresponding with NE#1.

Complaint Documentation

The Complainant wrote two memorandums, each with supporting documentation. The memoranda were titled “Use of City Property & Dishonesty” and “Attendance Notice Issues.”

The Complainant outlined NE#1’s brief employment with SPD in both documents. NE#1 started working as a civilian investigator for SPD at the beginning of September 2023. Before NE#1’s start date, the Complainant ensured that he knew the terms of his employment, including in-person attendance at headquarters (HQ) and a strict work schedule that required supervisor approval before deviation. The Complainant provided NE#1’s signed employment offer letter, showing he was assigned to work at HQ. The job posting for NE#1’s position also noted the hiree would be a regular, full-time, on-site, non-represented, hourly employee assigned to HQ. There were immediate and ongoing issues with NE#1’s attendance, including tardiness, early departure, and working past his quit time without notice or approval. NE#1 lived about two hours from HQ. NE#1 regularly attributed his tardiness to his commute and occasionally declared that he would find nearby accommodations to reduce commute time.

i. Use of City Property & Dishonesty

The Complainant alleged that NE#1 disregarded her orders not to remain at HQ overnight. She wrote that she delivered this order verbally on September 14, 2023, and September 26, 2023. The Complainant documented this order in a September 26 email (September 26 Email). The September 26 Email referenced a meeting attended by the Complainant, NE#1, and the HR Deputy Director (Civilian #1). The September 26 Email documented Civilian #1’s presence at the meeting. It was also noted that HQ’s garage closed at 10:00 p.m., and leaving after that required a building security trip for \$50.

The Complainant wrote that NE#1 stayed overnight at HQ at least twice. The first was September 13-14, which prompted the abovementioned orders. Due to NE#1’s attendance issues, the Complainant requested records from NE#1’s building access card (Prox Card). These records showed NE#1 used his Prox Card within HQ 81 times after his scheduled quit time. The Prox Card records also showed NE#1 did not use it at any egress point between the last use on September 13 and the first use on September 14, both inside the building. This evidence was corroborated by the HQ security video, which showed NE#1 entering and exiting HQ multiple times from 6:37 pm through 9:49 pm while carrying bags and personal items, including a fabric-covered foldable foam mattress. On October 17, 2023, the Complainant photographed the interior of the Complainant’s office. The photograph depicted the mattress (red arrow) and a large

overnight bag (green arrow). The second was October 4-5, corroborated by Prox Card and HQ surveillance video showing NE#1 inside HQ from about 9:34 p.m. on October 4 through about 6:27 a.m. on October 5.



The Complainant submitted copies of emails from October 4, 2023, showing NE#1 was approved to work until 9:00 p.m. that day on the condition he arranged transportation home at his own expense. NE#1 texted the Complainant that day at 9:41 p.m., stating, “Just letting you know that I stopped back at [HQ] quickly because I left my cellphone in there.”

The Complainant, NE#1, and an SPD HR professional (Civilian #2) met on October 19, 2023. During this meeting, the Complainant stated NE#1 made the following untruthful statements:

- The Complainant asked NE#1 if he departed HQ after concluding work on September 13. NE#1 said that after organizing papers and moving personal items into his office, he left and stayed at a downtown hotel. The Complainant responded, “It must have been a scary walk to the hotel.” NE#1 replied, “Yes, I had some interesting conversations with people on the way.”
- The Complainant asked NE#1 whether he went home after leaving work on October 4. NE#1 said he left and took several buses home, including a “stop-over in Tacoma for a couple of hours.”

The Complainant documented the October 19 meeting in an email to NE#1 (October 19 Email). Civilian #2 acknowledged, by email to the Complainant, that his recollection of the conversation aligned with the Complainant’s email.

ii. Attendance Notice Issues

The Complainant provided documentation concerning NE#1's attendance issues, noting that her primary concern was NE#1's "repeated failure" to "give proper notice and/or obtain approval and/or follow the orders of his supervisor." The Complainant wrote, "There is no allegation that any tardiness nor the use of any leave, either paid or unpaid, was a rule violation."

The Complainant provided significant documentation that NE#1 was provided with his work schedule and rules requiring him to work a set schedule and receive advance approval for tardiness, leave, and overtime. This documentation included, among other things, NE#1's training plan, bookmarks to SPD and City Personnel Rules, emails and texts reiterating NE#1's schedule and the need for NE#1 to obtain advance approval for deviations, and an alternative work arrangement. Additionally, the Complainant documented NE#1's attendance at a September 5, 2023, meeting regarding a human resources investigation concerning a different employee's failure to adhere to work schedule rules. At that meeting, SPD Policies 5.001, 4.010, and 4.040, Seattle Personnel Rule 9.1, and Seattle Municipal Code 4.16.070 were reviewed. The Complainant also included a spreadsheet detailing sixteen separate times NE#1 had a scheduling issue for which he either provided no notice or did not seek advance approval. The Complainant also provided emails and text messages between the Complainant and NE#1 throughout September and October 2023, showing the Complainant needed to correct NE#1's timesheet multiple times to reflect his time worked accurately.

Complainant's OPA Interview

OPA interviewed the Complainant, consistent with her complaint and corroborating documents.

The Complainant explained her concerns about NE#1, noting he worked for SPD for a short period. The Complainant described reviewing the terms of the position with NE#1 in July 2023 before NE#1 started the position. The Complainant explained her concerns with NE#1 working overtime hours without approval, as NE#1 needed to be compensated for hours worked, and his workload did not warrant overtime. The Complainant stated NE#1 was late to work more often than on time. The Complainant said she repeatedly counseled NE#1 on this issue, noting NE#1 did not appear genuinely remorseful or accountable for his tardiness. Instead, the Complainant recalled NE#1, mentioning his position should be exempt from Fair Labor Standards Act (FLSA) requirements. The Complainant also felt NE#1 was not forthcoming about when he arrived at work.

Named Employee's Emailed Statements to OPA

OPA could not compel an interview with NE#1, as he separated from SPD about a month after OPA opened its investigation. OPA requested a voluntary statement from NE#1. NE#1 preferred to email OPA, writing the following:

NE#1 admitted staying overnight at HQ but could not remember the exact dates. NE#1 disputed the characterization that he used HQ as "overnight lodging." NE#1 wrote that he could not drive home some days due to a medical issue, which he disclosed to the Complainant. NE#1 also

wrote, “It was not my understanding that it was a violation of policy to be inside the building after work hours because, in reality, I was informed that I could use the indoor gym outside work hours.” NE#1 said he thought he could perform activities in his office “in lieu of using the gym.” NE#1 wrote that he attempted to “walk off” the symptoms of his medical issue and should have received a “Formal Written Warning” that he was not permitted to stay at HQ overnight.

Similarly, NE#1 denied being untruthful, writing that he disclosed his medical issue to the Complainant. NE#1 also wrote that he has “stayed in numerous Seattle hotels on many occasions as a Washington resident since 2009,” and he may have confused details of “previous experiences in Seattle hotels” during “small talk” with “random employees.”

Finally, regarding the alleged failure to provide notice of work schedule changes, NE#1 reiterated the symptoms of his medical condition and wrote, “I was expecting the position to be Exempt and have a flexible work schedule with telework options when I initially interviewed for the position, so I was unable to meet the demands of a Non-Exempt position that required daily commuting . . . to King County.”

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 unprofessional.

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

Considered separately or collectively, insubordination and dishonesty are sufficient to support a finding of unprofessionalism. See Named Employee #1, Allegations #2-#3. Underlying both allegations, NE#1’s behavior— repeatedly altering his work schedule without approval and staying overnight at HQ—also fell short of the Department’s professionalism expectations.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

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

The Complainant alleged that NE#1 was insubordinate.

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

NE#1 failed to follow the Complainant's orders.

First, the evidence is overwhelming that the Complainant ordered NE#1 not to stay overnight at HQ orally and in writing before his October 4th stay. This included approving NE#1's work alteration for October 4 on the explicit condition that NE#1 arrange transportation home at his own expense. Prox Card and HQ security video established that NE#1 remained at HQ overnight from October 4 to October 5. Moreover, NE#1 told OPA that he stayed at HQ overnight. However, he justified it as medically necessary—an explanation he never provided the Complainant. Also, NE#1 texted the Complainant that he returned to HQ to get his cell phone and later lied to her about his commute home that evening, establishing that NE#1 attempted to cover up his known transgression.

Second, there is overwhelming evidence that NE#1 failed to follow the Complainant's repeated orders to obtain advance approval for schedule alterations. The evidence showed that the Complainant and SPD made considerable efforts to accommodate NE#1's schedule challenges through an alternative work arrangement, schedule alterations, and generous approvals for scheduling changes. Notably, the Complainant emailed NE#1 on September 27, 2023, stating: "In recognition of your lengthy commute, as previously advised, unless there is a late afternoon meeting, if you arrive prior to your start time and want to begin work early, and then flex your schedule to depart early, provided you request approval, I will always approve the early departure unless there is a valid business need to decline it. What we cannot allow is late arrival or working past the end of a shift without approval. I hope you understand." NE#1 then started work early without approval three more times between October 2-5, 2023, worked overtime without notice or approval, and arrived late without notice or approval.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #3

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

The Complainant alleged that NE #1 was untruthful.

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

The Complainant alleged NE#1 made two untruthful statements during the October 19th meeting. The Complainant recalled NE#1's claims that he left HQ, stayed at a hotel on September 13th, and left work for a lengthy commute home on October 4th. The Complainant noted specific details NE#1 provided for each date. The Complainant documented NE#1's claims in her October 19 Email, which was sent the same day. Civilian #2 concurred with the October 19 Email the same day. Prox Card data, HQ security footage, and NE#1's admissions to OPA provide overwhelming evidence that both statements were untrue.

NE#1 claimed his medical condition caused these inaccuracies. OPA makes no finding concerning NE#1's medical condition. Nevertheless, even if true, NE#1's detailed false statements to the Complainant are inexplicable. NE#1 may have disclosed his medical condition to the Complainant and the Department, but he never told the Complainant his medical condition prevented him from leaving HQ either night. Instead, NE#1 provided specific, false narratives regarding a walk to a hotel and a couple-hour layover in Tacoma. Nor did NE#1 attempt to contact the Complainant— or anyone else—to explain he could not leave HQ. Instead, NE#1 moved a foldable mattress and a large suitcase into his office. The overall evidence suggests that NE#1 brought these items from home in anticipation of staying the night at HQ.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**