



Seattle Police Department Response to Executive Order 2017-09



November 14, 2017

Introduction

With Seattle's booming economy, private demand for the services of off-duty Seattle Police Officers and/or Parking Enforcement Officers (PEOs) to meet safety, traffic control, and security needs continues to rise. A regular and often necessary practice in jurisdictions around the country, such work can range from a single request for an officer to provide an enhanced security presence around a local business to years-long construction projects that require multiple shifts of officers or PEOs to provide traffic management and control. In many instances, these are positions that, under existing law, can only be staffed by individuals holding a law enforcement or limited commission.

Historically, off-duty work of SPD employees has been managed exclusively by and through third-party agents, with minimal if any SPD visibility into the process by which employees are selected, scheduled, or assigned work. This critical lack of transparency into existing process is an issue that has long been noted by the department, members of the business community, the OPA auditor, and community groups, citing concerns that range from workplace inequity to conflicts of interest to outright allegations of corruption.

The regulation of a law enforcement commission is a clear management right, and there can be no principled argument but that a commitment to institutional reform demands that SPD be held accountable for its officers' use of their law enforcement commissions, regardless of the duty status in which the officer is employed. Such accountability, in turn, demands a reformed model in which the assignment of off-duty work performed pursuant to a department commission is managed and regulated in a manner that provides the department full visibility into the process. Indeed, in most similarly situated jurisdictions the department has surveyed, such work is managed entirely in-house.

On September 27, 2017, consistent with these objectives, Mayor Burgess issued Executive Order 2017-09, which affirmatively directs the Seattle Police Department to provide, by November 14, 2017, recommendations to reform the management of off-duty employment and a timeline for implementation of an internal office to manage the same. Pursuant to this Order, the department submits this report.

Taskforce

The Executive Order required that SPD convene an advisory taskforce of City stakeholders, including the Department of Human Resources, Seattle Information Technology, the City Budget Office, the Office of the Mayor's Legal Counsel, and the Department of Finance and Administrative Services. At its first meeting on October 4, 2017, the taskforce agreed on the following vision statement with respect to scoping its work relative to meeting the stated objective of the Executive Order:

To develop an administrative structure and business process within SPD to promote efficiency, transparency, and fairness in the scheduling and recording of off-duty employment of SPD officers and PEOs.

Although the terms “secondary employment” and “off-duty employment” are often used interchangeably, the taskforce noted concerns that the former may be subject to ambiguity as department staffing demands may fall across several different categories of “on duty” status secondary to an officer’s regular assignments (special events/special duty status, e.g.). The taskforce thus agreed that for purposes of this response and the project moving forward, the term “off-duty” would be the preferred terminology, defined as follows:

Any employment where an employee is working in uniform and/or under the authority of an SPD commission for any employer other than the SPD in exchange for some financial benefit derived therefrom.

The taskforce recognized the unique interests and needs of each of the affected parties to this process – the business community, officers, and the department. To ensure that the recommendations ultimately advanced appropriately balanced the interests and needs of each, the taskforce identified the following core functions as requisite in any new administrative structure or process:

Streamlined business processes to efficiently connect employers with approved and available officers;

Fair and equal opportunity for officers to obtain off-duty employment positions; and

Ability to provide SPD with real-time information as to where, when, and in what capacity officers and PEOs are working.

Additional core principles agreed on by the taskforce are as follows:

To maintain transparency and fairness, individual officers or groups of officers will not be able to independently solicit work.

Supervisors will not have authority to assign off-duty work.

Recognizing the interests of the business community to assure reliability and consistency of an off-duty workforce, any such system must consider certification needs and scheduling regularity.

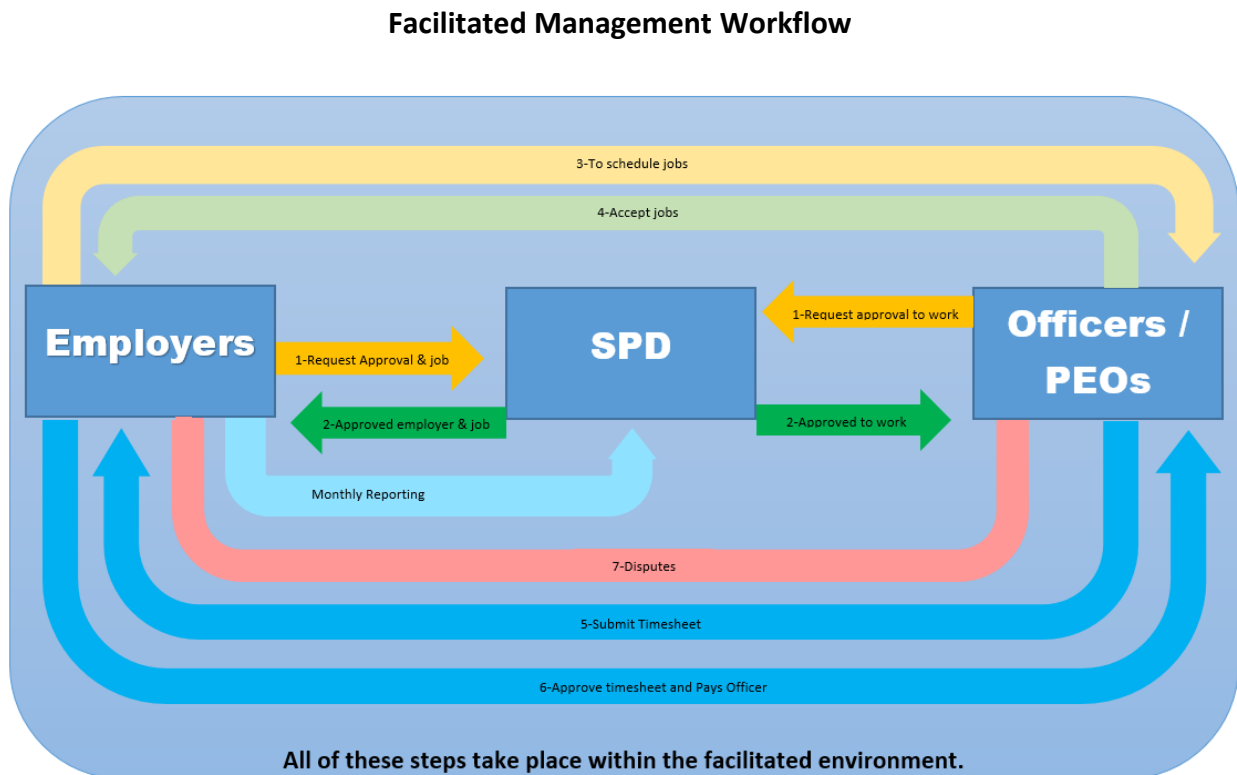
The taskforce also gathered and reviewed policies and procedures of numerous agencies around the country with respect to the management of off-duty employment, examined best practices, and identified policy issues of relevance to SPD. Additionally, the taskforce carefully reviewed

correspondence to Mayor Burgess from the Community Police Commission, the City Auditor, former OPA auditor Anne Levinson, and the Director of City Ethics and Elections, collectively, recommending specific criteria to be considered in developing enhanced oversight of off-duty employment. As the taskforce moves forward with reforms around off-duty employment, the taskforce commits to ensuring continued dialogue with all stakeholders and full consideration of criteria and recommendations received.

Recommendation

SPD and the taskforce identified two options for meeting the requirements of the Executive Order: (1) a completely internalized unit responsible for fielding requests from employers, identifying eligible employees, matching employees with opportunities, and managing in-house necessary corollary aspects of this process, including issues relating to insurance and payroll; and (2) a solution that leverages existing capability, provided by third-party software providers and in use by other departments, to create an on-line environment that mechanizes, and thus streamlines, much of the relationship between employer and employee while providing the department with necessary visibility and approval authority at each step of the process. SPD now recommends proceeding with this second option.

The below figure illustrates the model proposed.



In this proposed model, employers will receive preliminary approval to hire employees for off-duty work; specific opportunities are in turn separately approved to ensure the nature of the work conforms with SPD policy. Once approved, notice of the opportunity is automatically sent to qualified officers / PEOs, who may sign up for posted work through the same process of departmental approval. The employer approves the timesheet after the work is done, and remits payment directly to the employee, outside of City payroll processes. City costs in administering the system may also be recovered by way of an additional fee charged to off-duty employers. Any disputes related to timesheets and pay are resolved through escalating layers of dispute resolution facilitated through the online environment, ultimately including elements of SPD management if necessary. The City will require that the facilitated environment include insurance coverage for officers – feature already present in most models of which the department is aware. A small civilian run Off-duty Employment Office will be required to approve off-duty employment opportunities as they are posted, as well as individual employees as they sign up for available opportunities. Critical to providing aggregated information as to off-duty assignments, data may be routinely extracted from this process and merged with other work and overtime data for regular reporting to supervisors and managers.

While the department anticipates significant discussion and engagement with all stakeholders identified in the Executive Order around policy issues, three points that should be central in any policy ultimately adopted bear mention here:

1. The Chief of Police, or his/her designee not below the level of Assistant Chief or civilian equivalent, is responsible to approve any business requesting specific, recurring off-duty jobs (such as stadium work or regular parking garage work);
2. The Chief of Police, or his/her designee not below the level of Assistant Chief or civilian equivalent, is responsible for ensuring that employees seeking such employment meet all requirements for off-duty work; and
3. Only civilians within the Secondary Employment office will authorize employees to work specific off-duty work.

The purpose of such policy requirement is to mitigate against the potential for conflicts of interest between sworn employees in terms of opportunity to obtain certain opportunities – a point that has been frequently noted by officers and oversight bodies alike. It should be remembered, however, that in practice, with the system proposed the actual pairing of an officer with a job remains a largely automated process.

In short, such a system, managed by a small, civilian unit housed within SPD, will ensure:

Management by civilian employees who do not benefit from the off-duty opportunities;

A cost-neutral mechanism for managing and operating the system as all City costs will be off-set by fees assessed to off-duty employers;

Streamlined business processes to connect secondary employers with available officers;

Equal opportunity for officers to secure off-duty employment opportunities;

Real-time SPD visibility into where, when, and in what capacity employees are working or assigned.

The department is aware of several vendors who offer software solutions that meet these general requirements. To ensure fairness and transparency around the process by which a successful vendor is selected, SPD recommends that the City proceed with a Request for Qualifications open to any interested vendor.

Interim Solution

SPD recognizes that an interim solution is needed to provide internal regulation and management of off-duty employment as required by the Executive Order. SPD proposes to temporarily expand the capacity of its “Blue Team” platform to include off-duty employment administration. Blue Team is a browser-based web application that acts as a secure email system to enter, approve and track information that is stored in the department’s case management system, IAPro.

This interim process will benefit SPD by providing real-time reporting to supervisors by precinct, by officer, by hours worked, and by employer, increasing transparency, and thus oversight, of off-duty employment. The process will benefit employees as they are already familiar with Blue Team and its ease of use. Only limited policy changes will be needed at this time to implement Blue Team reporting. This temporary solution will also provide critical insight into the volume of off-duty work in demand – a data point necessary for the design and implementation of the recommended facilitated management solution.

Timeline

By January 2018, SPD will provide several deliverables:

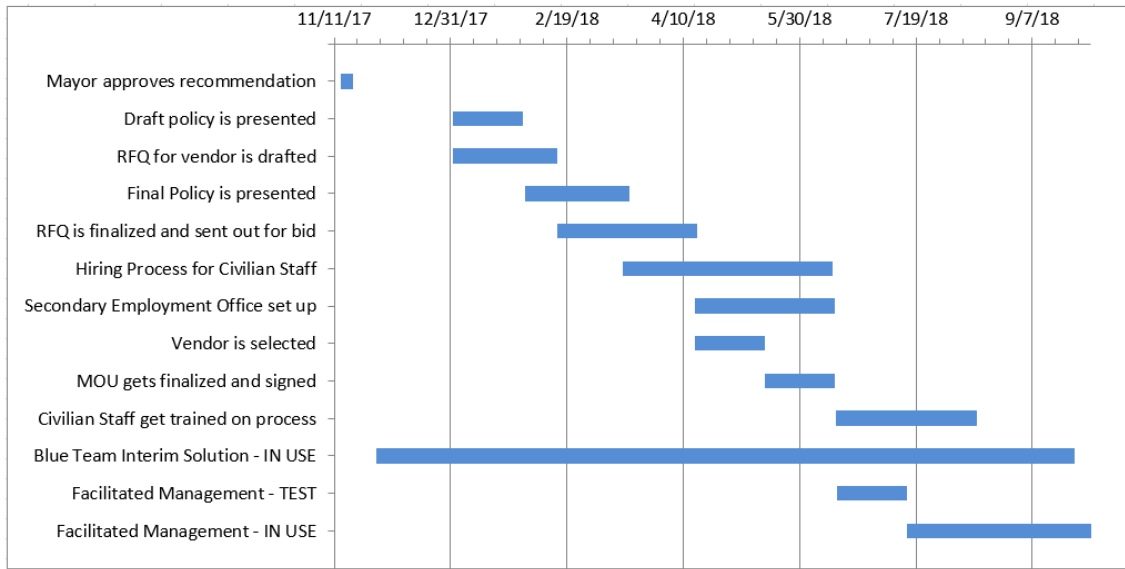
Off-duty employment draft policy that is equitable and fair, that outlines the off-duty employment sign-up procedures, will full input from the CPC and other stakeholders identified in the Executive Order.

Request for Qualifications (RFQ) prepared with the input and assistance of FAS and CBO, including a scope of work and projected number of full time civilian employees that will be needed.

Blue Team interim solution ready for implementation after draft policy and eLearning is provided to SPD employees.

Going forward, the City will need to set a final RFQ, receive and review submissions, and select the right solution. From there, contract negotiations, vendor availability, and implementation would likely take a large portion of 2018. An estimated timeline of the project is shown below.

Timeline for Project Implementation



Estimated Timeline



City of Seattle

Office of the Mayor City of Seattle

Tim Burgess, Mayor

Executive Order 2017-09: Reforming Secondary employment at the Seattle Police Department

An Executive Order directing a coordinated interdepartmental effort to require the Seattle Police Department to provide greater oversight through internal regulation and management of all secondary employment for SPD officers.

WHEREAS, secondary employment is the practice by which police agencies permit their sworn employees to work for other employers when off-duty; and

WHEREAS, when performing secondary employment work, officers wear their SPD uniforms, carry weapons and maintain the powers and authority of on-duty officers, including the power of arrest; and

WHEREAS, the Seattle Police Department (SPD) received certain allegations relating to the management of off-duty SPD Officers by third-parties, the nature of which caused the Department to refer these allegations to the Federal Bureau of Investigation for review; and

WHEREAS, SPD officials and former Office of Police Accountability Auditors, as early as 2005, identified secondary employment as a significant area of risk for the Department; and recommended that SPD reform its approach and adopt an approach to management and oversight that is consistent with accountability and strengthens public trust; and

WHEREAS, SPD policy requires its officers to obtain permits from the Department to obtain secondary employment, and Department policy provides limits on such employment; and

WHEREAS, SPD does not directly regulate any secondary employers and has insufficient access to secondary employment schedules of off-duty officers, creating significant potential for mismanagement, conflicts of interest, inequities between officers competing for secondary employment opportunities, and which processes lack transparency to SPD management and the public; and

WHEREAS, in 2015 Seattle's Police Chief requested a review by the City Auditor of the overtime and secondary employment of Seattle Police Department employees; and

WHEREAS, in 2016, following the City Auditor's report, Seattle's Police Chief directed her management team to engage with other City Departments, including the City Attorney and the Seattle Department of Human Resources, to explore options for bringing the oversight and management of SPD officer secondary employment in-house; and

WHEREAS, SPD did adopt the independent OPA Auditor's recommendations to eliminate the practice of Extended Authority Commissions and to change policy to expressly prohibit working secondary employment assignments while on-duty; and

WHEREAS, in June of 2017, the City of Seattle passed Ordinance 125315, commonly referred to as Seattle's Police Accountability Legislation, which requires that "SPD shall establish an internal office, directed and staffed by civilians, to manage the secondary employment of its employees. The policies, rules, and procedures for secondary employment shall be consistent with SPD and City ethical standards, and all other SPD policies shall apply when employees perform secondary employment work" (SMC 3.29.430 (D)); and

WHEREAS, many police departments across the country have reformed their secondary employment practices by adopting different systems of management, regulation, and oversight to improve transparency;

NOW, THEREFORE, I, Tim Burgess, Mayor of Seattle, accepting the recommendation of the Chief of Police, hereby order:

Section 1. Ordering City Management of All SPD Secondary employment.

The Seattle Police Department, with support from the Seattle Department of Human Resources, the City Budget Office, the City Attorney's Office, and the Seattle Information Technology Department, shall establish an internal office, directed and staffed by civilians, to regulate and manage the secondary employment of its employees.

The Seattle Department of Human Resources, the City Budget Office, and the Seattle Information Technology Department shall ensure that SPD is provided the necessary resources to manage this work in-house and at neutral cost to the City. This work, including its timeline for implementation, will be informed by the Taskforce's recommendations to the Mayor on or before November 14, 2017 as described in Section 2.

Section 2. Interdepartmental Taskforce to Implement City Management of All SPD Secondary employment. The Seattle Police Department shall create, convene, and lead a taskforce, which shall include the following membership:

- Seattle Department of Human Resources, Director, or designee

- Seattle Information Technology Department, Chief Technology Officer, or designee
- City Budget Office, Director, or designee
- Office of the Mayor's Office Legal Counsel
- Department of Finance and Administrative Services, Director, or designee

This Taskforce shall work with and consult the Seattle City Attorney, the Office of the City Auditor, the Community Police Commission, the Chair of the Seattle City Council's Gender Equity, Safe Communities, and New Americans Committee, former independent OPA Auditor Judge Anne Levinson (ret.), the Seattle Police Officers' Guild, the Seattle Police Management Association, Seattle Parking Enforcement Officers' Guild, and the Seattle Ethics and Elections Commission.

By November 14, 2017, SPD shall report its recommendations to reform the management of secondary employment and a timeline for implementation of its internal office to the Office of the Mayor. The recommendations shall guide the work of the Seattle Police Department as described in Section 1.

Dated this 27th day of September, 2017.

Tim Burgess
Mayor, City of Seattle