



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 27, 2017

CASE NUMBER: 2017OPA-0451

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.125 - Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public	Sustained
# 2	5.125 - Social Media 2. Employees May Not Post Privileged Information or Represent the Department	Sustained
# 3	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Sustained

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:

The Complainant, a Seattle Police Department (SPD) Lieutenant, alleges that Named Employee #1 (NE#1) violated the Department’s social media and professionalism polices when he made a post and certain comments on his personal Facebook page.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.125 - Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

SPD Policy 5.125-POL-2(1) concerns SPD employees’ personal use of social media. It provides that “employees shall not post speech that negatively impacts the Department’s ability to serve the public.” (SPD Policy 5.125-POL-2(1).) It further states that “[e]mployees may express themselves as private citizens on social media sites as long as employees do not...[m]ake, share, or comment in support of any posting that suggests that Department personnel are engaged in behavior reasonably considered to be unlawful or reckless toward public safety...[or] [o]therwise violate any law or SPD policy.” (*Id.*)

At issue here are a post and several comments made by NE#1 on his personal Facebook page. Specifically, NE#1 posted a picture of himself with his face wrapped in a scarf. The caption of the picture was the following: “Ready for a long day tomorrow...Please pray for the safety of all Seattle Police Officers and neighboring agencies who will be dealing with MayDay tomorrow.” In the comments to that post, NE#1 confirmed that he would be working “undercover” during the demonstration. Lastly, one commenter to the post stated: “Be safe [NE#1]. That crowd is unpredictable. ‘Cuff the councilwoman’ should be your game plan.” At his OPA interview, NE#1 acknowledged that



he understood the commentator to be referring to a sitting Seattle City Councilmember. In response to this comment, NE#1 stated: "I'm on a mission."

At his OPA interview, NE#1 confirmed that he made the post and comments in question. He indicated that he did so late at night prior to May Day. The next morning, he realized that they were inappropriate and removed them. However, the posts had already been observed by other SPD employees who reported them to the chain of command. A Lieutenant discussed the posts with NE#1 and informed him that he would not be working during May Day. NE#1 was sent home.

This post and the comments violated the Department's social medial policy in several respects. First, they violated policy by disclosing sensitive information, including the Department's tactics and staffing during portions of the May Day demonstration. Not only did this reveal confidential law enforcement information, but, as explained by the Lieutenant, it also implicated the safety of both NE#1 and other officers who may have been assigned to work the demonstration.

Second, NE#1's comments inappropriately suggested that he was going to handcuff and arrest a Seattle City Councilmember. Notably, prior to the May Day demonstration, a City Councilmember provided her opinion on the appropriateness of civil disobedience during May Day. NE#1's comment appeared to suggest that he would target this City Councilmember and arrest her, simply for exercising her First Amendment rights. Such an arrest would have clearly been unlawful.

The post and comments not only reflected poorly on NE#1, but also on the Department as a whole. When officers suggest that they will abuse their power or target citizens based on their exercise of free speech it sends a message that is contrary to the mission of the Department and it undermines the Department's ability to build trust with and serve the community.

For these reasons, the post and these comments violated SPD policy. As such, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.125 - Social Media 2. Employees May Not Post Privileged Information or Represent the Department

SPD Policy 5.125-POL-2(2) provides that "[e]mployees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the Department."

As indicated above, OPA's investigation yielded the conclusion that the information posted by NE#1 concerning his plainclothes assignment and consequently divulging the fact that plainclothes officers would be working the May Day demonstration was confidential and was available to NE#1 solely due to his employment at SPD. Accordingly, the disclosure of this information violated SPD policy.

As such, I recommend that this allegation be Sustained.



Recommended Finding: **Sustained**

Named Employee #1 - Allegation #3

5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times

SPD Policy 5.001(9) states that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” This includes making statements that undermine “the effectiveness of the Department...” (SPD Policy 5.001(9).)

As discussed more fully above, and as NE#1 appeared to recognize at his OPA interview, the post and related comments were inappropriate and unprofessional. In my opinion, NE#1’s conduct served to undermine both public trust in the Department and the Department’s effectiveness.

For these reasons, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**