



OFFICE OF PROFESSIONAL ACCOUNTABILITY

Closed Case Summary

Complaint Number OPA#2016-0026

Issued Date: 08/10/2016

Named Employee #1	
Allegation #1	<u>Seattle Police Department Manual</u> 5.125-POL-2 (1) Social Media: Employee Personal Use of Social Media – Employees Shall Not Post Speech That Negatively Impacts the Department’s Ability to Serve the Public (Policy that was issued 03/01/2015)
OPA Finding	Sustained
Final Discipline	Written Reprimand

INCIDENT SYNOPSIS

The Named Employee used Social Media.

COMPLAINT

The complainant alleged that the Named Employee liked a comment on Twitter that disparaged him and accused him of having no good reason for records requests.

INVESTIGATION

The OPA investigation included the following actions:

1. Interview of the complainant
2. Search for and review of all relevant records and other evidence
3. Interview of SPD employee

ANALYSIS AND CONCLUSION

The complainant objected to an exchange he had via Twitter with the Named Employee. In replying to a comment posted on Twitter (known as a “tweet”) by the complainant indicating that he (the complainant) was over PDRing the government, the Named Employee tweeted, “for no good purpose other than to waste scarce public safety resources.” A third party (not a SPD employee) followed with a tweet that referred to the complainant using a disparaging word. The Named Employee then “liked” this tweet made by the third party about the complainant. The tweet by the third party was, by any standard, “derogatory, contemptuous, or disrespectful (SPD Policy §5.001(9) Employees Shall Strive to be Professional at all Times)” toward the complainant. The complainant certainly objected to such name-calling as evidenced by his complaint to OPA. By activating the “like” icon for this tweet (something the Named Employee acknowledged he did), the Named Employee publically stated his support for the insult in the tweet, or at least created the impression he “liked” the comment. The Named Employee also tweeted to a local reporter that the reporter’s requests for public records can’t get serviced due to the requests being filed by the complainant. In light of the fact that the complainant had numerous pending requests for public records with the SPD, tweets by a member of the Department could give the complainant and other members of the public the impression the tweets reflected the opinion of the Department with respect to the complainant.

The SPD Social Media Policy states that employees’ personal use of social media (including Twitter) may not, “make, share or comment in support of any posting that includes harassment ... ridicules, maligns, disparages, expresses bias, or disrespect toward any ... other protected class of individuals.” The same policy also prohibits employees from personal use of social media in a way that violates SPD policy. While the tweets in question do not appear to constitute harassment or to be directed at any “protected class” of persons, a reasonable person in the complainant’s place would likely see them as disrespectful and offensive, especially the one using a derogatory term directed at the complainant. Even the two tweets authored by the Named Employee in which he blames the complainant for wasting “scarce public safety resources” and causing delays in the Department’s ability to fulfill other public disclosure requests, appear “contemptuous” of the complainant for exercising his right under Washington State law to request public records.

SPD Policy §5.001(9) prohibits employee behavior, regardless of duty status, that “undermines public trust in the Department” or any expression by an employee that “undermines the effectiveness of the Department.” By activating the “like” button on the name-calling tweet and publically ridiculing the complainant for his lawful use of the Public Disclosure process in his own tweets, the Named Employee engaged in acts that could easily undermine the complainant’s trust, and that of other members of the public, that the Department would respond fairly and without rancor or retaliation to any future requests for public records.

FINDINGS

Named Employee #1

Allegation #1

The evidence supports that Named Employee #1 violated the policy. Therefore a **Sustained** finding was issued for *Social Media: Employee Personal Use of Social Media – Employees Shall Not Post Speech That Negatively Impacts the Department’s Ability to Serve the Public.*

Discipline imposed: Written Reprimand

NOTE: The Seattle Police Department Manual policies cited for the allegation(s) made for this OPA Investigation are policies that were in effect during the time of the incident. The issued date of the policy is listed.