



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 10, 2019

CASE NUMBER: 2019OPA-0244

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.125-POL 2 – Employee Personal Use of Social Media - 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public	Sustained
# 2	5.125-POL 2 – Employee Personal Use of Social Media - 2. Employees May Not Post Privileged Information or Represent the Department	Sustained
# 3	5.001 - Standards and Duties - 10. Employees Shall Strive to be Professional	Sustained

Imposed Discipline

Resigned Prior to Proposed Discipline

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 alleged that the Named Employee violated SPD's social media policy when he posted screenshots of Text-to-911 conversations to his personal Instagram account.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.125-POL 2 – Employee Personal Use of Social Media 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public

On April 9, 2019, the Complainant, a Manager in SPD's Communications Section, was anonymously given printed screenshots of Text-to-911 conversations that had been posted to an Instagram account belonging to Named Employee (NE#1). The Complainant believed that the posting of this information on a personal and public-facing Instagram account potentially violated multiple SPD policies. As such, the Complainant referred this matter to OPA, which resulted in an investigation.

As part of its investigation, OPA obtained and reviewed the Instagram posts in question. In one series of posts, NE#1 wrote "LOL" above exchanges with a subject who used profanity and/or racial slurs while reporting crimes. In a second series of posts, NE#1 included an exchange in which a gun-related crime was reported. In those posts, the name of the reporting subject was included.



OPA interviewed NE#1. He acknowledged making the Instagram posts in question. With regard to the first series of posts, he explained that the exchange was an actual Text-to 911 back and forth with a community member. He stated that the second series of posts was a fictional scenario that he created with a co-worker while testing out the new Text-to-911 system. As such, the name he posted did not identify a real person. NE#1 stated that he put the first series of posts on Instagram because he was frustrated with the reporting subject for tying up SPD resources. He stated that he put the second series of posts up because he thought the story that he made up was “funny.”

When asked whether posting such information on Instagram could undermine public trust and confidence in the Department, NE#1 responded: “I suppose.” NE#1 opined that this anonymous complaint was filed by a co-worker. To this end, he asserted that his posts were “misconstrued” by this coworker who “should know better.” He also stated that whoever provided the posts to his supervisor didn’t include the full story behind the posts and “never once attempted to contact [him] to clarify.” NE#1 confirmed that the information in the first series of posts was confidential and that it was information that he would not have had direct access to absent his employment by SPD. When asked if he would do anything differently, NE#1 stated that he would not have made the social media posts.

SPD Policy 5.125-POL-2 states that SPD employees shall not post speech that negatively impacts the Department’s ability to serve the public. This policy acknowledges that SPD employees may express themselves as private citizens on social media sites as long as employees do not: make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals. (SPD Policy 5.125-POL-2(1).)

Based on a review of the evidence, NE#1 knowingly and intentionally posted confidential information on Instagram. When he did so, he posted speech that negatively impacted the Department’s ability to serve the public. Community members – even those that may use profane and despicable speech – should not fear the dissemination of their information and crime reports by Department employees on social media sites. Indeed, such disclosure should only occur pursuant to an appropriate request for information under the Public Records Act and, even then, after review and potential redaction by the Department. When NE#1 unilaterally chose to post information on Instagram that he only had access to due to the nature of his employment, he acted inappropriately and violated SPD’s social media policy. Accordingly, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**

Named Employee #1 - Allegation #2

5.125-POL 2 – Employee Personal Use of Social Media - 2. Employees May Not Post Privileged Information or Represent the Department

SPD Policy 5.125-POL-2 precludes Department employees from posting privileged information. It specifies that “employees shall not post or otherwise disseminate any confidential information they have access to as a result of their employment with the Department.” (SPD Policy 5.125-POL-2)

As discussed above (see Named Employee #1, Allegation #1), NE#1 admitted that the first series of posts contained information that he only had access to because of the nature of his employment. For this reason, when he publicly disseminated this information by posting it to Instagram, he violated SPD policy. Accordingly, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**



Named Employee #1 - Allegation #3

5.001 - Standards and Duties - 10. Employees Shall Strive to be Professional

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional at all times.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers.” (SPD Policy 5.001-POL-10.)

For the same reasons as stated above (see Named Employee #1, Allegation #1), NE#1’s public dissemination of confidential information undermined public trust and confidence in both him and the Department. Even if he made the posts out of frustration rather than due to malice, he still acted well outside of the expectations of his conduct held by both the community and the Department. For these reasons, OPA finds that NE#1 violated SPD’s professionalism policy and, as such, recommends that this allegation be Sustained.

Recommended Finding: **Sustained**