



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 24, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS, JR.  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0329

### Allegations of Misconduct & Director's Findings

#### Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties	Not Sustained - Management Action (Expedited)

*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:

OPA alleged Named Employee #1 (NE#1), an unnamed SPD civilian employee, informed Witness Employee #1 (WE#1) that WE#1 was the subject of a harassment complaint.

#### ADMINISTRATIVE NOTE:

OPA proposed this case for Expedited Investigation for the purpose of issuing a Management Action Recommendation (MAR) pursuant to OPA Internal Operations and Training Manual 5.4(B)(iv). This means that OPA, with the Office of Inspector General's (OIG) agreement, determined: (1) there was a clear gap in policy; (2) the conduct at issue was a result of the policy gap; (3) there was no evidence indicating willful misconduct; and (4) the matter is best addressed with a MAR. As such, OPA did not interview the any employees involved in this case.

On November 1, 2022, OIG certified OPA's expedited investigation as thorough, timely, and objective.

OPA did not complete this DCM within the 180-day time period required by the Accountability Ordinance. This was due to an administrative error. After OIG concurred with OPA's proposed Expedited Investigation, OPA staff erroneously closed this case as a contact log. This prevented OPA from recognizing the need to complete a DCM by the 180-day due date, April 3, 2023, as it normally would in the usual course of business. Additionally, because the case was erroneously closed as a contact log, NE#1—who did not violate any SPD policies—was not served with a classification report. Accordingly, NE#1 remains an unnamed employee.

#### SUMMARY OF INVESTIGATION:

On October 5, 2022, a Seattle Human Resources (HR) Business Partner emailed OPA employees asking, "FYI- Do we need to have a call about this?" In her email thread, the HR Business Partner included two previous emails. The first was sent by NE#1 to WE#1 on October 5 at 10:12 a.m. The subject line of that email was, "Call me when you can." The second email was sent by WE#1 to several people, including the HR Business Partner, on October 5 at 11:23 a.m. The second email forwarded the first email. In the body of the email, WE#1 wrote, "Just got off the phone with SPD and was informed [another employee] tried to file another Police Report a few moments ago alleging her manager [sic] (me) is harassing her. This time the sergeant informed [the other employee] that based on the information received there hasn't been a crime committed and declined to file the report."



OPA opened an intake investigation to determine whether NE#1 released confidential information to WE#1. OPA reviewed both law and SPD policy but was unable to find any evidence that NE#1 was under any obligation to withhold this information from WE#1.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 - Allegation #1**

***5.001 – Standards and Duties***

It was alleged NE#1 may have violated SPD Standards and Duties by telling WE#1 that another employee filed a harassment complaint against WE#1.

Seattle Police Department Policy Manual 5.040 and the EEOC and City of Seattle Personnel Rules cover harassment allegations. See SPD Policy 5.040 – EEO Complaints and Investigations. SPD Policy 5.040-POL-7 states, “Supervisors and managers shall maintain confidentiality of EEO complaints and investigations.” EEOC (2023) guidelines,<sup>1</sup> cited in SPD’s policy manual, instruct, “Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.” However, SPD’s policy does not address nonsupervisory employees’ duty to “maintain [the] confidentiality of EEO complaints and investigations,” as it does for supervisors and managers. By allegedly revealing a potential EEO complaint, NE#1 did not explicitly violate SPD policy, but may have contributed to an environment where employees feel discouraged from raising EEO concerns.

Accordingly, OPA recommends this allegation be Not Sustained – Management Action.

- **Management Action:** SPD should consider extending the obligation not to disclose information about EEO complaints, investigations, and potential EEO complaints to nonsupervisory employees. Specifically, rather than referencing the EEOC, SPD should consider adding the following to SPD Policy 5.040: “Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.” Like the personnel rules, it should discourage behaviors that may negatively impact other employees’ confidence in reporting allegations.

Recommended Finding: **Not Sustained - Management Action**

<sup>1</sup> U.S. Equal Employment Opportunity Commission (2024). “Harassment.” <https://www.eeoc.gov/harassment>