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**Issued Date:** FEBRUARY 27, 2024**From:** Director Gino Betts, Office of Police Accountability**Case Number:** 2023OPA-0392

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

1. **Allegation #1:** 12.040 - Department-Owned Computers, Devices, & Software, 12.040-POL-1 General Policy  
**Finding:** Sustained

- **Imposed Discipline:** Oral Reprimand and Re-training

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**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:**

Named Employee #1 (NE#1) is a civilian accounting employee. The Complainant—a civilian manager—alleged NE#1 violated SPD's policies for Department-owned devices by allowing a non-SPD employee (Community Member #1 or CM#1) to use her SPD device for an SPD job interview.

### **Administrative Note:**

On February 23, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

### **Summary of the Investigation:**

After receiving the Complaint, OPA opened an investigation. During its investigation, OPA reviewed the OPA complaint and all attachments. OPA also interviewed NE#1, an SPD HR Specialist who facilitated CM#1's interview, and Witness Employee #1 (WE#1)—an employee who occasionally served as NE#1's out-of-class supervisor. Under Seattle personnel rules, appointing authorities may temporarily designate an employee to perform the duties of a higher-paying position or classification to complete essential work. See Seattle Personnel Rule 3.5 – Out-of-Class Assignments. An employee designated to complete an out-of-class assignment must otherwise meet the requirements for the higher-class positions. The opportunity to work out-of-class assignments provides employee development and an opportunity to be paid a higher rate during the period of the assignment. See *id.*

## **1. Complaint, Attachments, and HR Specialist Interview**

An HR Specialist emailed the Complainant about the incident. The HR Specialist reported she facilitated an interview for CM#1, a candidate for an administrative position. The interview was conducted virtually over Microsoft Teams.

The HR Specialist reported that, when she joined the interview, NE#1's name displayed as being present in the Teams meeting as the interviewee. NE#1 and CM#1 share the same last name. The HR Specialist reported there was confusion because the members of the interviewing panel were familiar with NE#1. The HR Specialist asked the interviewee how they wanted to be addressed, by NE#1's first name or CM#1's first name. The interviewee responded that her name was CM#1's first name. The HR Specialist reported that the interviewee was not NE#1, despite NE#1's information displaying in the Teams meeting. The HR Specialist included a screenshot of the Teams meeting as corroboration.

The HR Specialist reviewed CM#1's application and confirmed that CM#1 and NE#1 are different people. The HR Specialist attached a copy of CM#1's application as corroboration. The HR Specialist concluded that CM#1—who was not an SPD employee—was logged into NE#1's system or SPD-issued laptop. The HR Specialist also attached copies of the emails arranging the interview. The emails were sent to CM#1's email, which displayed CM#1's name at a common private email exchange.

OPA interviewed the HR Specialist. Her interview was consistent with her written complaint. The HR Specialist added that, on joining the Teams interview, she noted "NE#1" was already logged on. The HR Specialist indicated this was noteworthy as City of Seattle emails can join Teams meetings automatically, whereas external email addresses need to be admitted by someone already on the meeting.

## **2. OPA Interview – Named Employee #1**

OPA interviewed NE#1. NE#1 said she has worked for SPD since 2014. NE#1 stated she works remotely two days a week, and the Department provides her with a laptop for remote work. NE#1 stated CM#1 is her cousin.

NE#1 gave her recollection of the incident date. NE#1 was working from 7:00am until 3:30pm. CM#1 had an interview at 10:00am. NE#1 recalled taking an early lunch because CM#1 was having technical issues logging into her interview. NE#1 attempted to help CM#1 log on with CM#1's private iPad, but the two were unsuccessful. NE#1 stated she logged out of her work items and allowed CM#1 to use her SPD-issued laptop to log into her private email. NE#1 stated she believed this was acceptable because CM#1 was interviewing for the "same department." NE#1 stated she left the room and went downstairs during CM#1's interview, which lasted about half an hour.

NE#1 stated there were no other applications open on her laptop when she allowed CM#1 unsupervised access to it. NE#1 stated that, weeks earlier, she had spoken to WE#1, her out-of-class supervisor, who told her it was permissible to allow another person to use her laptop for an interview because it was the “same department.” NE#1 also stated she did not intend to allow CM#1 to use her laptop and, instead, it was a last-minute decision because the two panicked about CM#1 missing her interview.

NE#1 explained that she did not believe, at the time, that she violated SPD policy. NE#1 stated, having reviewed the policy, she now believes she violated the policy by allowing CM#1 to use her laptop.

### **3. OPA Interview – Witness Employee #1**

OPA interview WE#1. WE#1 stated she supervised NE#1 in an out-of-class capacity. WE#1 recalled NE#1 asking to switch telework days but denied having a conversation with NE#1 about allowing other people to use her SDP-issued laptop. WE#1 stated there are a lot of technical issues when conducting remote interviews.

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### **Analysis and Conclusions:**

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

#### **12.040 - Department-Owned Computers, Devices, & Software, 12.040-POL-1 General Policy**

The Complainant alleged NE#1 violated SPD’s policies concerning Department-owned devices. SPD Policy 12.040-POL-1 states that employees using Department-owned devices or software will follow the City’s security policy. The policy goes on to state that employees will, among other things, (1) “protect and never share” accounts, privileges, or passwords, (2) maintain confidentiality of sensitive information, (3) accept accountability for use of their network accounts and access privileges, and (4) ensure City computers, email, and accounts “is restricted to authorized purposes.” *Id.*

OPA finds by a preponderance that NE#1 violated this policy. NE#1 logged on to her department-issued laptop—with all associated accounts, information, access, networks, and permissions—and then allowed CM#1 to log onto a private email account and remain logged in, unsupervised, for half an hour. This was a clear violation of SPD policy.

OPA appreciates that NE#1 acknowledged her error. OPA also appreciates the stress occasioned by interviews and the trust that SPD employees may place in their family and friends. But this does not excuse the violation or speak to the purposes of the policy. SPD must ensure that those who have access to its systems have the appropriate training and clearances.

Relatedly, NE#1 offered three explanations for her actions that OPA must address. First, NE#1 suggested that she thought granting a non-SPD employee access to her system was permissible because CM#1 was interviewing for the “same department.” This is not an exception to SPD’s policy, nor does it make sense that an unauthorized individual would be allowed unsupervised

access to a department device or account by virtue of being an applicant for a position at the Department. Second, NE#1 suggested that her actions were mitigated by the fact NE#1 did not give her password to CM#1 but provided her laptop to CM#1 after logging in herself. Again, OPA does not see such a loophole in the policy—which speaks to “access” and “activities,” and not strictly “passwords.” Moreover, this distinction is quite limited. Having logged into her account and permitted CM#1 to use her laptop unsupervised for half an hour, NE#1 allowed CM#1 to access her accounts as demonstrated by the Teams application automatically logging on as NE#1. Third, NE#1 stated she was told, weeks prior, by WE#1 that it was permissible to allow applicants to SPD to use her SPD-issued laptop. As noted, there is no such exception in policy. Also, WE#1 denied making this statement. Finally, NE#1’s claim—that she received this permission weeks prior—is at odds with her explanation that allowing CM#1 access to her laptop was a spur-of-the-moment decision triggered by the stress of CM#1’s inability to access the interview through her iPad.

Accordingly, OPA recommends this allegation be Sustained.

Recommended Finding: **Sustained**