



CLOSED CASE SUMMARY

ISSUED DATE: AUGUST 3, 2018

CASE NUMBER: 2018OPA-0142

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	12.110 - Use of Department E-mail & Internet Systems 4. All Email and Internet Communications Must be Professional, Appropriate, and Lawful	Not Sustained (Lawful and Proper)
# 2	12.110 - Use of Department E-mail & Internet Systems 5. Employees Will Not Send Criminal Justice Information (CJI) or Other Sensitive Information via Email	Not Sustained (Lawful and Proper)
# 3	12.080 - Department Records Access, Inspection & Dissemination 5. PDU Responds to PDRs	Not Sustained (Lawful and Proper)

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 Unknown Employees may have improperly released records to a subject in a criminal investigation.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

12.110 - Use of Department E-mail & Internet Systems 4. All Email and Internet Communications Must be Professional, Appropriate, and Lawful

The Complainant made an allegation of criminal wrongdoing against the former King County Sheriff. This matter was investigated by SPD and a number of documents and media (including videotaped statements) were created by the Department as part of that investigation. Sometime thereafter, the Complainant learned that some or all of these materials had been obtained by the former King County Sheriff. The Complainant filed this complaint based on her concern that the former King County Sheriff obtained these documents inappropriately.

As part of its investigation, OPA determined that SPD’s Public Disclosure Unit had fulfilled 20 public disclosure requests for files relating to the Complainant’s case. One of those requests was made by the former King County Sheriff and was fulfilled in May and June of 2017. Included in this disclosure were all of the documents connected to the Complainant’s case and it mirrored the documents possessed by the Complainant and those also obtained by a Seattle Times reporter known to the Complainant.



SPD Policy 12.110-POL-4 states that: “All email communications and internet use must comply with Department and City policies on professionalism and harassment in the workplace.” The policy also instructs that: “All internet use on Department computers comply with all laws and policies.” (SPD Policy 12.110-POL-4.) The policy continues to state that: “This includes policies on privacy issues, any release of confidential, sensitive, or classified information, or information exempt from public disclosure.” (*Id.*)

Based on OPA’s investigation, it appears that the documents in question were properly released pursuant to a public disclosure request. In reaching this conclusion, I note that, as discussed in a prior case filed by the Complainant (2017OPA-1138), many if not all of these documents would likely have been withheld from public release had SPD officers properly marked the Complainant’s records for non-disclosure as she requested. However, as this did not occur, the Public Disclosure Unit acted appropriate in complying with the requests for these documents. As such, I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #2

12.110 - Use of Department E-mail & Internet Systems 5. Employees Will Not Send Criminal Justice Information (CJI) or Other Sensitive Information via Email

SPD Policy 12.110-POL-5 states that Department employees will not send criminal justice information or other sensitive information via email.

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**

Named Employee #1 - Allegation #3

12.080 - Department Records Access, Inspection & Dissemination 5. PDU Responds to PDRs

SPD Policy 12.080-POL-5 dictates that SPD’s Public Disclosure Unit responds to public disclosure requests.

For the same reasons as stated above (see Named Employee #1, Allegation #1), I recommend that this allegation be Not Sustained – Lawful and Proper.

Recommended Finding: **Not Sustained (Lawful and Proper)**