

CITY OF SEATTLE
ORDINANCE 126184
COUNCIL BILL 119893

AN ORDINANCE relating to the Seattle whistleblower protection code; expanding the definition of “report” in the City of Seattle’s whistleblower protection ordinance to include reporting to the Office of Inspector General for Public Safety; amending Section 4.20.805 of the Seattle Municipal Code.

WHEREAS, in 1990, 1991, 1992, 1994, 1996, and 2013, the City Council has recognized the important public policy inherently expressed by the City's whistleblower protection provisions in Subchapter III of Seattle Municipal Code Chapter 4.20; and

WHEREAS, it is in the public interest to encourage public employees to report instances of improper governmental action in order to give the governmental entity the opportunity to correct improper governmental actions; and

WHEREAS, the most effective way to encourage public employees to report improper governmental action is to provide an effective whistleblower protection program that includes a clear reporting process and effective protection from retaliation; and

WHEREAS, in 2017 the City created the Office of Inspector General for Public Safety (OIG) as part of the police accountability ordinance, Ordinance 125315, and therein charged that office with helping to “ensure the fairness and integrity of the police system as a whole in its delivery of law enforcement services by providing civilian auditing of the management, practices, and policies of SPD and OPA and oversee ongoing fidelity to organizational reforms implemented pursuant to the goals of the 2012 federal Consent Decree in *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR)” for “ensuring constitutional, accountable, effective, and respectful policing” (Ord. 125315, 3.29.010.B); and

1 WHEREAS, OIG is also authorized under the accountability ordinance to “conduct audits and
2 reviews for any areas that may (a) involve potential conflicts of interest; (b) involve
3 possible fraud, waste, abuse, inefficiency, or ineffectiveness; (c) undermine
4 accountability or be unethical; or (d) otherwise compromise the public’s trust in the
5 police or the criminal justice system” (Ord. 125315, 3.29.200.G); and

6 WHEREAS, OIG provides independent systemic oversight over the Seattle Police Department;
7 and

8 WHEREAS, OIG in the course of its oversight activities interviews employees who may have
9 knowledge of potential misconduct and wish to report it; and

10 WHEREAS, reporting to OIG does not currently afford employees the protections of the City’s
11 whistleblower protection provisions, which can have a chilling effect on employees’
12 willingness to come forward; and

13 WHEREAS adding OIG as a covered entity for reporting under the whistleblower protection
14 provisions furthers the public policy goals of the City; NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 Section 1. Section 4.20.805 of the Seattle Municipal Code, enacted by Ordinance 124362,
17 is amended as follows:

18 **4.20.805 Definitions**

19 As used in Sections 4.20.800 through 4.20.880, the following terms are defined as
20 follows:

21 * * *

22 "Report" means:

1 A. Reporting any assertion of improper government action to the Executive Director
2 including reporting violations of the Ethics and Elections Codes;

3 B. Reporting any assertion of improper government action to an employee's supervisor,
4 manager, officer or appointing authority or director;

5 C. Reporting any assertion of sexual harassment to the employee's supervisor, Equal
6 Employment Officer, agency head, or other government official as set out in the City's procedure
7 for reporting sexual harassment complaints;

8 D. Reporting alleged violations of the Fair Employment Practices ordinance or the Health
9 Insurance Portability and Accountability Act (HIPAA) to the Office for Civil Rights;

10 E. Reporting alleged misconduct by Seattle Police Department personnel to the City of
11 Seattle (~~(Police)~~) Office of (~~(Professional)~~) Police Accountability;

12 F. With respect to the Seattle Police Department, including the Office of Police
13 Accountability, reporting any assertion of improper government action to the Office of Inspector
14 General for Public Safety;

15 G. Reporting alleged violations of the Code of Judicial Conduct to the Washington State
16 Commission on Judicial Conduct;

17 (~~(G.)~~) H. Reporting alleged violations of criminal laws to any law enforcement agency;

18 (~~(H.)~~) I. Reporting when the employee believes in good faith that a crime is about to be
19 committed, to any law enforcement agency, agency head, manager or supervisor;

20 (~~(I.)~~) J. Reporting if an employee is, in good faith, seeking advice, counsel or opinion on
21 their rights and responsibilities under this subchapter to determine whether to make a report
22 under this chapter;

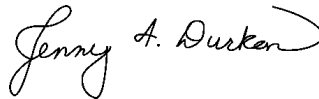
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 29th day of September, 2020,
5 and signed by me in open session in authentication of its passage this 29th day of
6 September, 2020.



7 _____
8 President _____ of the City Council

9 Approve by me this 2nd day of October, 2020.



10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this 2nd day of October, 2020.



13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)