



Legislation Details (With Text)

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On agenda: 9/29/2020
Final Action: 10/2/2020 **Ord. No.** Ord 126184

Title: 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.

Sponsors: Lisa Herbold

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Signed Ordinance 126184, 4. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/2/2020	1	City Clerk	attested by City Clerk	
10/2/2020	1	Mayor	returned	
10/2/2020	1	City Clerk	submitted for Mayor's signature	
10/2/2020	1	Mayor	Signed	
9/29/2020	1	City Council	passed	Pass
9/22/2020	1	Public Safety and Human Services Committee	pass	Pass
9/21/2020	1	City Council	referred	
9/17/2020	1	Council President's Office	sent for review	
9/17/2020	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

4.20.805 Definitions

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

* * *

"Report" means:

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

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

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

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

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

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

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

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

~~((H.))~~ I. Reporting when the employee believes in good faith that a crime is about to be committed, to

any law enforcement agency, agency head, manager or supervisor;

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

~~((J.))~~ K. Reporting outside of City government if 30 days have passed since the employee made a written report pursuant to this chapter; or

~~((K.))~~ L. Reporting in an emergency, to any person who has the ability to address the danger or risk, where the employee believes in good faith that there is a substantial and specific danger or risk of serious injury, illness, peril, or loss to any person. No emergency under this subsection exists where prompt attention and reporting under this subchapter by the employee could have avoided the perceived need to report immediately.

* * *

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

Passed by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)