

City Under Scrutiny: Employment Matters and High-Profile Investigations

Shauna R. Amon
Kristin T. Allen
May 15, 2026

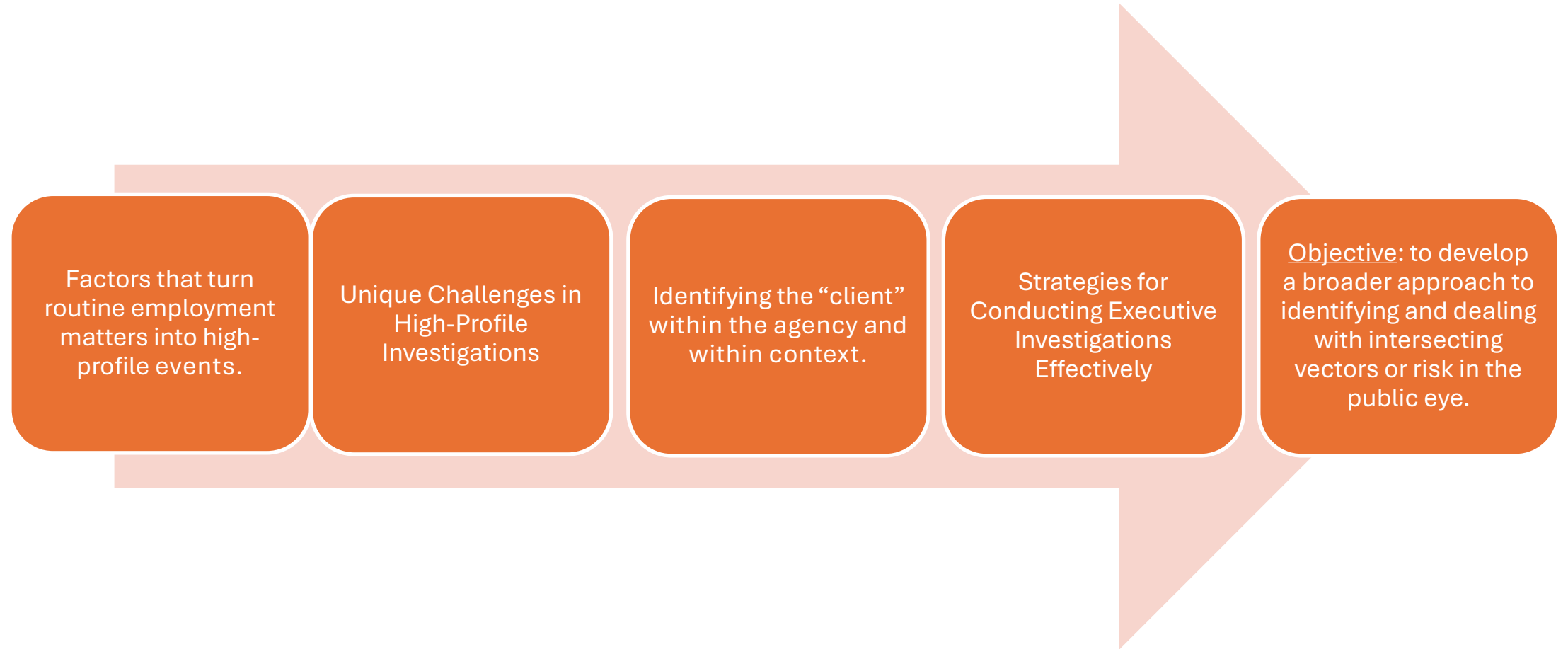
INTRODUCTIONS

Shauna R. Amon,
Principal

Kristin R. Allen,
Attorney Investigator

Eric Danly,
City Attorney

TOPICS & OBJECTIVE



Factors That Lead to High Profile Events

Events

- Council meeting appearances
- CPRA weaponization
- Personalized email/letter writing campaigns to elected officials and high-ranking executives of the agency
- Media attention (usually as part of the email/letter writing campaigns)

People and Allegations

- Senior leadership of elected officials
- Allegations tied to public trust
- Unionized workforce
- CPRA exposure
- Political or community pressure

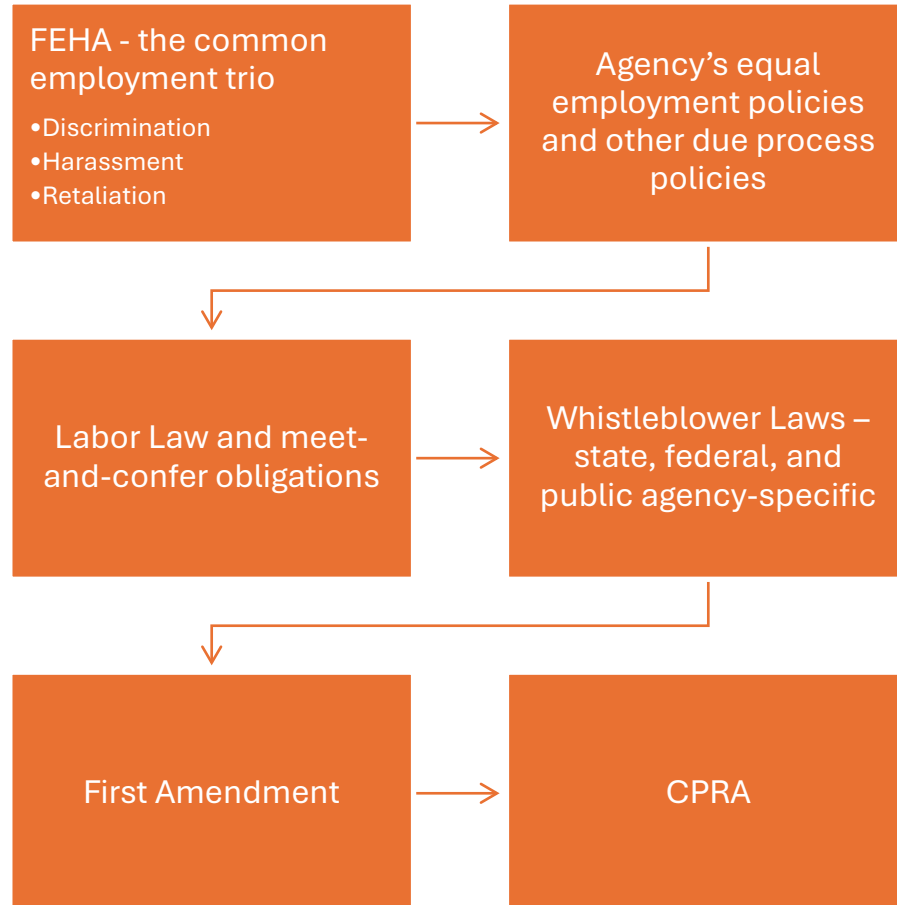
Why These Matters Are Different: A Broader Audience

Rarely stay internal.

Scrutiny from media, unions, boards and the public.

Legal risk, reputational risk, and political risk all move together.

Areas of Law in Discussion



Why do we conduct
workplace
investigations?

52%



Who are the
Leaders?

Directors

Department Heads

Committee Members

Board Members

Elected Officials

Managers

Key Decisionmakers

Leadership
Investigations:
Higher Stakes

More Risk

Litigation & Liability Potential

High Public Interest

Financial Implications

Government Agency Scrutiny

Power Imbalances

Company Influence



Witness Reluctance to Participate



Potential for Retaliation

Investigator Selection Considerations

Role

Experience

Availability

Complexity of
the
Allegations

Bias

Conflict of
Interest

When to Recommend External Counsel

Advised on the Matters
Previously

Privilege Issues

Internal Investigators are
Witnesses

- Concerns about Scrutiny or Challenges
- Relational Conflicts
- Need to Handle Subsequent Litigation

Purpose of All Workplace Investigations

Advise the Decision-Maker

- Did the alleged conduct more likely than not occur?

Empower the Decision-Maker

- What is the appropriate action?

Investigation
Standard
Practices

Prompt

Impartial

Thorough

Prompt

How Prompt is Prompt? It Depends.

Seriousness
and complexity

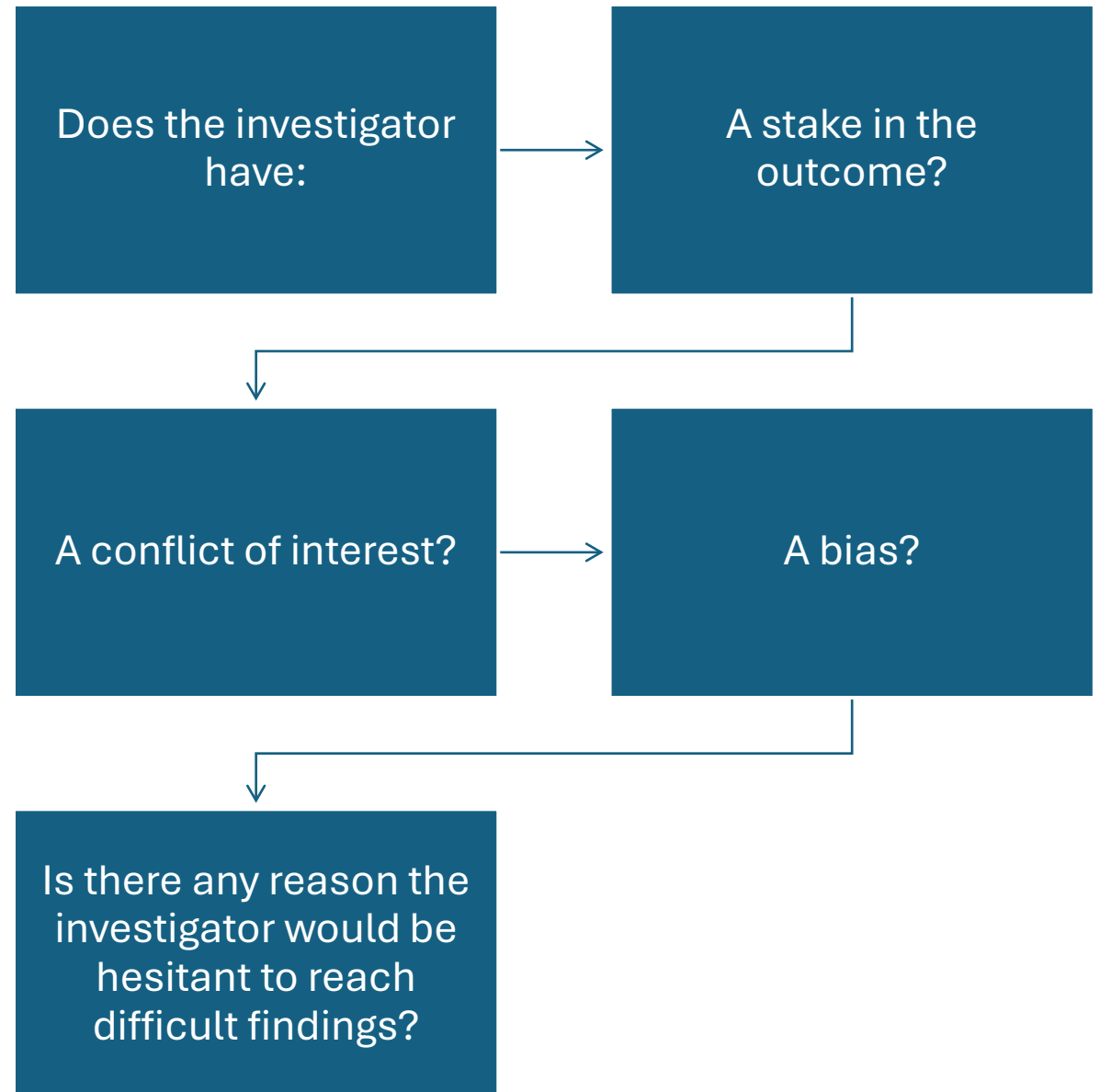
Allegations of
continuing
misconduct

Number,
availability, and
cooperation of
witnesses

Need for special
expertise

Balance the need for speed and
thoroughness.

Impartial



Thorough

Gather

Gather Relevant Evidence

Ensure

Ensure Important Questions are Asked and Answered

Analyze

Analyze Relevant Evidence

Make

Make a Reasoned and Conclusion

High Profile Investigations: Interim Measures



A large orange circle with a white outline, partially visible on the left side of the slide.

Interview Considerations

Admonitions

Upjohn Warning

Interview Location

Privacy Consideration

Representatives

Attorney-Client Privilege Issues



Upjohn Warnings –
Organization as the Client



Structure Engagement Letters
for Privilege



Maintain Attorney-Client
Privilege Through External
Counsel

CPRA and Disclosure Obligations



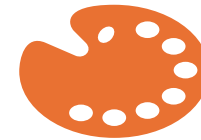
Governmental records shall be disclosed, upon request, unless there is a legal basis not to do so. (Gov. Code § 7920.000 et seq.)



Can group the various exceptions related to personnel matters into two groups

Protecting an individual's fundamental right to privacy (e.g., medical record, personnel records, etc.)

Preserving government's ability to perform assigned function efficiently and effectively (e.g., investigative records, official information, etc.)



Art v. Science – Risk Assessment.

CPRA and Disclosure Obligations, con't.

Labor Disclosures

- Class and Compensation Studies
- Disciplinary Hearings / Grievances

High level complaints/reports/personnel records

- Gov. Code § 7927.700 “does not require disclosure of personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.”
- Two-prong analysis (1) the complaints of a public employee's wrongdoing and resulting disciplinary investigation reveal allegations of a substantial nature, as distinct from baseless or trivial, and (2) there is reasonable cause to believe the complaint is well founded, then public employee privacy must give way to the public's right to know. (Marken v. Santa Monica-Malibu Unified School District (2012) 202 Cal.App.4th 1250, 1275.)

Control the Narrative, Before it Controls You



Coordinate early with internal stakeholders and engage a qualified, external attorney investigator, if appropriate.



Assume everything is discoverable.



Develop consistent messaging



Prepare for CPRA requests

Questions?

