



CLOSED CASE SUMMARY

ISSUED DATE: JUNE 30, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0014

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Unfounded
# 2	5.001 Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Training Referral
# 3	5.001 Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication	Not Sustained - Unfounded
# 4	5.001 Standards and Duties 13. Employees Will Not Use Their Position or Authority for Personal Gain	Not Sustained - Unfounded

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:

SPD’s Equal Employment Opportunity (EEO) officer alleged that Named Employee #1 (NE#1) engaged in conduct unbecoming a Seattle Police Officer through his continuous, unwanted attention to another SPD officer, Subject Officer #1 (SO#1). It was alleged that NE#1’s behavior could have violated law or policy, may have been unprofessional and untruthful, and used NE#1’s position for personal gain.

SUMMARY OF INVESTIGATION:

This investigation related to an alleged course of behavior by NE#1—an experienced detective—towards SO#1—a junior patrol officer.

1. Course of Interactions

The general course of NE#1 and SO#1’s interactions is not in dispute and is outlined in this subsection.

NE#1 is an experienced detective with over twenty-five years’ experience in SPD. NE#1 is assigned to a selective follow-up unit and is attached to a federal task force. SO#1 is a junior patrol officer with fewer than three years’ experience in the Department. SO#1 completed her probationary period about three months before she met NE#1. NE#1 and SO#1 work under separate chains of command up through the rank of Assistant Chief.



NE#1 and SO#1 met during the summer of 2021. Around that time, NE#1 started augmenting patrol shifts at SO#1's precinct. NE#1 and SO#1 rode together on a number of occasions when NE#1 augmented shifts at SO#1's precinct. The two did not exclusively ride together. NE#1 and SO#1 also exchanged cell phone numbers in summer 2021 and began sending each other text messages and emails with some frequency.

Around October 2021, NE#1 asked SO#1 on at least one date. SO#1 refused, explaining to NE#1 that she was already in a relationship and was not interested. Also, during this time period, SO#1's was caring for an ill parent, a matter of intense concern for SO#1. NE#1 and SO#1 continued to communicate during this time by text and email.

In late 2021, NE#1 initiated efforts to obtain a temporary reassignment for SO#1 from patrol to the Intelligence Unit. NE#1 arranged possible times for this temporary assignment with SO#1, then communicated with multiple members of supervisory and command staff on behalf of SO#1 concerning such a temporary assignment.

On New Year's Eve 2021, NE#1 augmented patrol in SO#1's precinct. NE#1 informed SO#1's sergeant, Witness Supervisor #1 (WS#1), that he needed to ride with SO#1 that night because they had "a mission." That night, NE#1 took SO#1 to SPD Headquarters to meet with the acting lieutenant for the Intelligence Unit ("Intelligence A/Lieutenant"). NE#1 and SO#1 rode together on New Year's Eve 2021. Two days later, January 2, 2022, NE#1 emailed SO#1 a copy of a letter that he intended to write to SO#1's ill parent. Due to a misunderstanding, the letter was actually addressed to SO#1's in law.

That same day, January 2, 2022, WS#1 spoke with SO#1, who told him that she had been receiving unwanted attention from NE#1. WS#1 filed an EEO complaint regarding NE#1's behavior.

2. EEO Complaints

WS#1 filed an EEO complaint on January 4, 2022. The next day, an acting lieutenant, Witness Supervisor #2 (WS#2), also filed an EEO complaint. These two complaints (collectively the "EEO Complaints") recounted similar information. The allegations in the EEO Complaints included, but was not limited to, the following.

WS#1 noted that NE#1 had been routinely augmenting during SO#1's shifts and requesting to work with SO#1. WS#1 wrote that SO#1 requested to work alone without giving a reason. WS#1 also noticed NE#1 paid increasing attention to SO#1, going to great lengths to further her career and advocating with command staff to obtain a temporary assignment for SO#1 so she could "get a break" while her parent was sick. WS#1 wrote that SO#1's skill and experience did not warrant such an assignment, but that SO#1 ultimately put in paperwork for the temporary assignment with the chain of command. WS#1 also recalled that NE#1 augmented on December 31, 2021 and that, prior to roll call, NE#1 told WS#1 that he needed to work with SO#1 because they had a "mission" that night, which WS#1 assumed meant a warrant execution or probable cause arrest. WS#1 wrote that he received an email later that night from the Intelligence A/Lieutenant asking if he needed to do anything to obtain a temporary assignment for SO#1. WS#1 wrote, that same night, SO#1 reiterated to him that she preferred to ride alone.

The EEO Complaints stated that, on January 1, 2022, WS#2 was walking in a hallway when he observed SO#1 appearing uncomfortable while speaking to NE#1, who was beckoning SO#1 to talk to him. WS#2 found it strange that NE#1 was



in the precinct building that he did not work in, and that SO#1 appeared uncomfortable. WS#2 discussed the incident with WS#1.

The EEO Complaints stated that SO#1 said she had been receiving unwanted attention from NE#1 and that she felt like she was being stalked. According to the EEO Complaints, SO#1 described the January 1, 2022 encounter with NE#1 as a surprise visit that set off SO#1's "creepo meter." The EEO Complaints also stated that SO#1 told NE#1 several times that she was only interested in a professional relationship and that she tried to avoid riding with him. The EEO Complaints noted that SO#1 did not want to "be that female officer who complained" and also did not want to "be that female officer who got special treatment" due to the interest of a male coworker. The EEO Complaints noted that SO#1 withdrew her official request for a temporary assignment. The EEO Complaints also noted SO#1's allegation that she believed she saw NE#1's department vehicle drive by her home several days prior and SO#1 expressed concern about how NE#1 found out where she lived given that she recently moved. The EEO Complaints also described allegations made by SO#1 that two SPD detectives had approached her and indicated NE#1's romantic interest in her.

3. EEO Investigation

SPD's EEO Office commenced an investigation for aspects of this case within its purview. On January 10, 2022, the EEO Office referred non-EEO allegations to OPA, specifying NE#1 allegedly (i) attempting to obtain a temporary assignment for SO#1 by circumventing normal procedure, (ii) making a dishonest statement by telling WS#1 that he had a "mission" with SO#1, and (iii) stalking SO#1 outside the workplace.

OPA reviewed the EEO referral. Due to the potential criminal stalking allegation, OPA referred the matter to SPD.

4. Criminal Referral

SPD commenced a criminal investigation on January 13, 2022. The assigned detective reviewed the EEO documents, including recordings, text messages, and emails. The assigned detective also screened the matter with an SPD supervisor and a Supervising City Attorney.

The conclusion of the criminal investigation was that the allegations did not rise to the level of filing criminal charges. In reaching this conclusion, the assigned detective noted that SO#1 neither requested nor desired criminal charges, but instead wanted NE#1 to allow her to do her job without further unwanted contact. Additionally, the assigned detective reasoned that the relevant RCW section requires that the victim be in reasonable fear of injury or property damage, which SO#1 denied. The assigned detective documented that the Supervising City Attorney agreed with the analysis and the case would not be forwarded for criminal charges. The assigned detective also documented that SO#1 agreed with the decision not to file criminal charges.

The criminal referral was returned to OPA on January 24, 2022 and OPA commenced its investigation.



5. OPA Investigation

During its investigation OPA reviewed the EEO Complaints, EEO documents and statements, the letter NE#1 wrote to SO#1's parent (the Letter), voluminous exchanges of emails and text messaged between NE#1 and SO#1, the Criminal Referral, MDT and CAD records, and prox card records. OPA interviewed SO#1, NE#1, WS#1, WS#2, the A/Intelligence Lieutenant, an investigations detective Witness Officer #1 (WO#1), the Captain of SO#1's precinct (Precinct Captain), SO#1's Lieutenant (Precinct Lieutenant), and the Assistant Chief of the Investigations Bureau.

a. SO#1's Interviews

SO#1 gave statements to both EEO and OPA.

SO#1 was first interviewed by EEO on January 11, 2022. SO#1 described meeting NE#1 related to cases that she was involved in, but that NE#1 began augmenting in her precinct in the summer of 2021. SO#1 stated that NE#1 specifically requested to ride with her and, although she usually rode alone, she accepted the opportunity to learn from a senior officer. However, SO#1 said, after a period of time, she asked WS#1 to have her ride alone. SO#1 also described feeling weird about riding with NE#1 and also situations that made her uncomfortable, including one shift where she ate dinner with NE#1. SO#1 also described three instances of NE#1 asking to spend time with her—twice for dinner, a third an offer for a ride home—that she declined, explaining she was in a relationship and not interested in NE#1. SO#1 also stated that she reiterated to WS#1 that she not be partnered with NE#1, but that NE#1 still showed up at calls she was attending.

SO#1 also described to EEO a period of time when she was tending to an ill parent. SO#1 stated during this time NE#1 emailed HR to acquire paperwork for her, which she already had in place. SO#1 also stated described receiving frequent, lengthy text messages from NE#1, which she stopped reading and deleted due to their frequency. SO#1 stated that she returned to work and worked overtime shifts with NE#1's unit and task force.

SO#1 told EEO that on December 31, 2021, WS#1 mentioned riding with NE#1 to her, but that she insisted that not occur. SO#1 said that NE#1 texted her about it, but that she tried to convince NE#1 to volunteer for another sector. SO#1 stated that WS#1 told her that she and NE#1 had a "mission" to do, of which she had no knowledge. SO#1 stated that she decided not to push the issue because it was a busy holiday. SO#1 stated that night she and NE#1 mostly did routine police work, but that NE#1 insisted they go to SPD Headquarters to meet the A/Intelligence Lieutenant and other detectives. SO#1 also told EEO that in this general timeframe, WO#1 and another female detective approached her by a locker room to tell her she should be interested in a relationship with NE#1. SO#1 stated that she responded that she was in a relationship. SO#1 stated that she did not interpret the two female detectives as pushing her.

SO#1 stated to EEO that, by the end of 2021, her family situation had made work difficult. SO#1 stated that around this time NE#1 said he got her a temporary assignment to the Intelligence Unit and that she would also be working with him. SO#1 stated she was not familiar with the process and thought it was normal that NE#1 had already contacted everyone and received approvals. SO#1 described being unsure about the temporary assignment and said



that she sent NE#1 a message on January 1, 2022 that she wanted to put the request for a temporary assignment on pause. SO#1 described walking into her precinct shortly after sending this message and seeing NE#1 in the precinct kitchen in plain clothes, which annoyed her. SO#1 stated that she later saw NE#1 standing at the entryway to the precinct gym and that NE#1 waved and told her to come talk to him, to which SO#1 responded that she had nothing to talk to him about, but that NE#1 was insistent. SO#1 stated that WS#2 walked down the hallway around this time. SO#1 stated that she ended the conversation and went to her mailbox, where she found a copy of the Letter. SO#1 stated that later that night WS#1 approached her to discuss the issue. SO#1 provided some text messages to EEO but stated that she only had some messaged because her messages only saved for 30 days.

SO#1 was also interviewed by OPA on April 18, 2022. Much of the factual substance of the OPA interview was similar to the EEO interview. However, during her OPA interview, SO#1 was adamant that she did not want a complaint filed about this situation on her behalf. SO#1 expressed anger at going through the investigation process. SO#1 also told OPA that her desire to ride alone was a generalized preference, that she simply preferred to work alone. SO#1 also provided neutral statements to OPA regarding the Letter (which she said was not inappropriate) and the New Year's Eve situation (that she was irritated in general that night). The letter, as further explained in section D below, was basically a letter of compliment about SO#1 to her parent.

OPA also asked SO#1 about her allegations that she thought she saw NE#1 drive by her residence. SO#1 stated that she could not say for sure it was NE#1, but she thought it was him based on the late hour, location, and that the vehicle was a black SUV. SO#1 stated she saw the black SUV driving slowly. OPA asked if SO#1 had any concerns due to this, which SO#1 denied.

b. NE#1's Interview

OPA interviewed NE#1 on May 3, 2022. At his interview, NE#1 provided OPA with copies of his text messages with SO#1 from August 2021 through January 1, 2022.

NE#1 described meeting SO#1 through augmenting in her precinct during the summer of 2021. NE#1 stated that he and SO#1 began texting mostly about work-related things. NE#1 stated he asked SO#1 out on one date but did not receive a response and that he, later, learned SO#1 was in a relationship, which was fine with him. NE#1 told OPA that he had a "crush" on SO#1, but understood their relationship was "clearly defined." NE#1 stated that he brought it up with others "as a kind of more humorous like, yeah, I've got a crush on her. Yeah, I can admit it. Of course. That was it."

NE#1 described taking on a mentoring role with younger officers and that he tries to help his unit get good officers. NE#1 also described temporary assignments as one way to give newer officers a reprieve from patrol. NE#1 stated that he thought a temporary assignment to the Intelligence Unit would have been a more "relaxing, low stress job" for SO#1 given all of the other stressors in her life, specifically having an ill parent. NE#1 also stated that SO#1 had told him that she needed a break from patrol and NE#1 provided text messages in which SO#1 indicated that she thought the temporary assignment was a good idea. NE#1 stated that he spoke to command staff about having SO#1



participate in a temporary assignment. NE#1 stated that he wanted to try to get it scheduled quickly because of SO#1's family situation. NE#1 also described the qualifications for newer officers taking temporary two-week assignments as "do you have a good attitude and are you willing to work." NE#1 denied that he made this effort for personal reasons.

NE#1 described volunteering to augment patrol to assist with the Department's staffing issues and that he preferred SO#1's precinct because of its location, which was convenient for him. NE#1 described working with SO#1 on a number of occasions, but that he also frequently rode with other officers or worked by himself. NE#1 also provided a text message showing that, on December 28, 2021, SO#1 texted NE#1 "If you're working NYE I'll partner," to which NE#1 responded, "Let's do that for sure." NE#1 stated that he did not forcefully request to work with SO#1. NE#1 stated that SO#1 never told him that she wanted to work alone.

NE#1 described why he told WS#1 that he and SO#1 had a "mission" to work on New Year's Eve. NE#1 admitted telling WS#1 that he and SO#1 had a mission. NE#1 said that, originally, there was a specific work-related objective as another unit requested a transport for someone to King County Jail. NE#1 said that he thought taking this assignment would provide a good opportunity to also stop by Headquarters to introduce SO#1 to the A/Intelligence Lieutenant. However, NE#1 stated, the original request for a transport was handled by another unit. NE#1 also stated that he uses the term "mission" to mean many different things, both work-related and colloquially. NE#1 denied that this was dishonest to use the word "mission" because he meant the term in the sense of "we got something to do."

NE#1 provided context for why he was at the precinct gym on January 1, 2022. NE#1 stated that he used that precinct gym because it was convenient for him, and he typically went three times a week. NE#1 stated during this time period he was going to the gym almost every day to recover from a prior injury. NE#1 stated that, due to SO#1 shift time, they overlapped in the precinct. NE#1 said he spoke with SO#1 in the hallway for about ten seconds and asked for information concerning the temporary assignment. NE#1 denied that he planned the encounter.

NE#1 denied driving past SO#1's residences but noted that that SO#1 lived in the general areas of places that he frequently went. NE#1 also provided context for writing the Letter to SO#1's parent. NE#1 stated that SO#1 had, unsolicited, showed him pictures of her parent. NE#1 stated he thought that it would be nice for someone to write a letter to SO#1's parent, given their illness, to let them know SO#1 was doing well. NE#1 described his letter as appropriate and short. NE#1 stated that he added another page to the letter he gave SO#1 to tell her that she could throw it away if she wanted to. NE#1 stated he gave the letter to SO#1 and did not send it to her parent.

c. Witness Interviews

OPA interviewed seven witness employees.

i. Witness Supervisor #1 (WS#1)



WS#1 was SO#1's direct supervisor. WS#1's statement largely repeated the information he provided in the EEO Complaints. WS#1 remembered that NE#1 was augmenting shifts partnering with SO#1. WS#1 recalled that NE#1 worked with other officers, but after a time he only wanted to work in SO#1's sector with her.

WS#1 also noted that it was unusual, in his experience, for someone to advocate for a temporary assignment on behalf of another directly to command staff. Moreover, WS#1 stated that he did not think there was anything that specifically qualified SO#1 for a temporary assignment to the Intelligence Unit, but that he assumed NE#1 was trying to get SO#1 a break from patrol due to her parent's health. WS#1 stated that SO#1 never spoke to him about needing a break.

WS#1 estimated that around November 2021, SO#1 asked him if she could ride alone going forward. WS#1 did not remember assigning anyone else to work with her on New Year's Eve until NE#1 told him that they had a "mission." WS#1 stated that NE#1 did not specify what the mission was but that, later, when the Intelligence A/Lieutenant emailed him about SO#1, he learned the "mission" was to meet the Intelligence A/Lieutenant. WS#1 did not characterize NE#1 as being dishonest because WS#1 did not ask for clarification and meeting the Intelligence A/Lieutenant was work-related. WS#1 recalled that, later on New Year's Eve, SO#1 spoke to him about not wanting to ride in a partner car going forward, but that the phrasing was not specific to avoiding NE#1.

ii. Witness Supervisor #2 (WS#2)

WS#2 was a supervisor in SO#1's precinct. WS#2 worked the same shift as SO#1 but was not her direct supervisor. WS#2's statement largely repeated the information he provided in the EEO Complaints. WS#2 stated that it was his understanding that when NE#1 augmented shifts, it was under the condition that he be partnered with SO#1. WS#2 stated that WS#1 told him that NE#1 had "taken over kind of a mentoring thing with [SO#1]."

WS#2 stated that, in his experience, it was extremely irregular for NE#1 to speak directly to command staff on behalf of SO#1 regarding a temporary assignment. WS#2 also stated that SO#1 had a lack of knowledge or experience to qualify her to be assigned to the Intelligence Unit.

WS#2 described walking down the hallway during the interaction between NE#1 and SO#1 outside of the precinct gym on January 1, 2022. WS#2 noted that NE#1 was not working that day. WS#2 said that SO#1's body language was visibly flustered and that she appeared to be using her hand to shoo away NE#1, who was standing 10-15 feet away in a dark hallway. WS#2 said the situation was odd enough that he spoke to WS#1 about the situation.

WS#2 stated that he spoke to SO#1 after the January 1, 2022 incident. WS#2 stated that SO#1 confirmed that NE#1 had been lobbying higher levels of the Department on her behalf. WS#2 said he explained to SO#1 that this process was unusual, and that SO#1 then wanted to retract her request for a temporary assignment. WS#2 stated that SO#1 recalled NE#1 pursuing her romantically, but that she explained her interest was only professional. WS#2 stated that SO#1 said NE#1's romantic pursuit abated for a time, but that it resumed after Christmas. WS#2 recalled that SO#1 told him she was so uncomfortable with NE#1 on either December 30 or December 31 that she considered removing herself from the situation.



iii. Witness Officer #1 (WO#1)

WO#1 was a detective in a follow up unit. WO#1 recalled NE#1 telling her that he liked SO#1 and would be amenable to dating her if she were interested. WO#1 stated that she saw SO#1 in the mornings due to an overlap in their schedules and that, on her own initiative, she told SO#1 that NE#1 “absolutely adores you, just so you know that.” WO#1 described this as being consistent with her personality and being “very much for people who are good people getting together.” WO#1 also stated that NE#1 sent her the Letter and that her understanding was that NE#1 wanted SO#1’s parent to be proud of her work on the Department.

iv. Intelligence Acting Lieutenant (Intelligence A/Lieutenant).

The Intelligence A/Lieutenant described SO#1’s temporary assignment in his unit as an idea that originated during a personal conversation he had with NE#1. The Intelligence A/Lieutenant stated that NE#1 described SO#1 as needing a break from patrol due to a family situation, but that he was principally trying to help out NE#1 as a friend and give officers exposure to his unit. The Intelligence A/Lieutenant recalled that another officer had arranged a temporary assignment unofficially. The Intelligence A/Lieutenant noted that the ideal method to arrange a temporary assignment would be to send a memorandum through the chain of command, but that “most of the time it’s not done to the letter the same way every time.” In light of the Department’s staffing issues, the Intelligence A/Lieutenant stated that he supports giving officers a break from patrol when possible and that there are not any specific qualifications for a temporary assignment to his unit.

The Intelligence A/Lieutenant recalled meeting SO#1 on New Year’s Eve and that it was a brief meeting. The Intelligence A/Lieutenant stated that, after this meeting, he emailed WS#1 to see if there was anything he needed with respect to the temporary assignment and that WS#1 seemed “rather perturbed that I was getting involved and trying to make this move happen.”

v. Precinct Captain

The Precinct Captain was the captain of SO#1’s precinct. The Precinct Captain was aware that NE#1 was augmenting shifts and working with SO#1 when doing so but was not aware of any personal relationship between the two. The Precinct Captain stated he was aware that SO#1’s parent was ill, that NE#1 told him that it would benefit SO#1 to get a break from patrol, and that NE#1 said he would be willing to backfill patrol shifts if needed. The Precinct Captain described NE#1’s behavior in this respect as abnormal and that the typical process was for a temporary assignment to originate with an officer speaking to their immediate supervisor. The Precinct Captain said there was no required service requirement for temporary assignments. The Precinct Captain said he spoke to the Precinct Lieutenant about the temporary assignment for SO#1, but that he never spoke to SO#1 himself about the issue.

vi. Precinct Lieutenant

The Precinct Lieutenant was SO#1’s watch lieutenant. The Precinct Lieutenant noted that NE#1 had been augmenting consistently in her precinct for the past year. The Precinct Lieutenant said that NE#1 approached her to say that SO#1



would benefit from a temporary assignment to the Intelligence Unit so that she could better manage her ill parent. The Precinct Lieutenant said that, several days later, the Precinct Captain told her that NE#1 had also spoken to him about the issue. The Precinct Lieutenant informed NE#1 that she had not received the request from SO#1 through the chain of command and that NE#1 responded that SO#1 did not know that he was advocating for her to get the temporary assignment. The Precinct Lieutenant noted that she is a proponent of cross training and generally supports officers getting additional experience that they want. The Precinct Lieutenant described temporary assignments as learning experiences without minimum qualifications. The Precinct Lieutenant said that, ultimately, SO#1 did not do a temporary assignment in the Intelligence Unit because SO#1 said she was no longer interested in the assignment. The Precinct Lieutenant said that, normally, an officer advocates for themselves to get a temporary assignment and that she had never encountered a situation where another officer advocated on someone else's behalf.

vii. Assistant Chief Investigations Bureau (Investigations Chief)

The Investigations Chief stated she knows NE#1 as the supervisor of his unit for about two years but she does not know SO#1. The Investigations Chief stated that there are different ways to request a temporary assignment, but that she tries to bring people in to get experience. The Investigations Chief stated that temporary assignments are often arranged through personal relationships, but that other times officers advocate for themselves. The Investigations Chief stated that the Department used to have a more rigid structure for temporary assignments, but that she tries to keep it more open. The Investigations Chief stated that the qualifications for a temporary assignment vary with the need of a unit, but that intelligence frequently requires a technical background or possible undercover experience. The Investigations Chief noted that a temporary assignment in the Intelligence Unit could be advantageous to a permanent assignment.

The Investigations Chief stated that NE#1 told her about SO#1 and explained that her parent was ill and she could use a break from patrol. The Investigations Chief said she wanted to be supportive of officers and that it was not unusual for someone to ask how they could help another officer. The Investigations Chief did not find it unusual that NE#1 spoke to her about a temporary assignment for SO#1.

The Investigations Chief also stated that she has observed NE#1 mentor newer officers and that it is an aspect of his personality. The Investigations Chief described NE#1 as a cheerleader and upbeat about police work.

d. *The Letter*

The Letter that NE#1 gave to SO#1—with the intent that she give it to her ill parent—consisted of two pages: a top sheet addressed the SO#1 and the letter itself, which was misaddressed to SO#1's in law.

The top sheet was three short paragraphs, about a quarter of a page long. In it, NE#1 noted that SO#1 had showed him pictures of her parent and that NE#1 thought SO#1's parent would appreciate hearing about SO#1's "great work from someone at SPD." NE#1 noted that he was a parent and liked to hear about his children's accomplishments and successes. NE#1 closed the top sheet with this paragraph: "If it is not a good time for this, or you think it's just weird.



No worries. I get it. I know you have a lot going on, so I can scan it to you as well, so you have one less thing to worry about[.]”

The letter itself was six substantive paragraphs and about two thirds of a page long, single spaced. The letter was dated January 2, 2022. The letter was written on SPD letterhead and NE#1 listed his assignment, task force, and SPD email in his signature line. The tone of the letter is effusively complimentary of SO#1, her passion for the job, and the quality of her work. In the letter, NE#1 noted that he was a 28-year veteran of SPD and described the challenges of SO#1’s sector. NE#1 then stated that he met SO#1 “in May” and that he partnered with her “on about 15 nights.” NE#1 then described the amount of work he and SO#1 performed and attributed their success to her “hard work and knowing [her] area.” NE#1 described SO#1 as “humble” an, on her behalf, told a story about a time that SO#1 assisted NE#1 in capturing a suspect and described her as having NE#1’s “back (as always).” NE#1 closed the letter: “So thank you for helping make her who she is today. In addition to being tough and resilient, she is kind, empathic and caring. She has a great career ahead of her. I know you are proud of her. We are too.”

e. Emails

OPA reviewed 96 pages of emails sent by NE#1 either to or referencing SO#1. The first email was sent on July 16, 2021. The last email was sent on January 3, 2022. Most of these emails appear to be purely work-related.

NE#1 sent an email dated November 1, 2021, to the Precinct Lieutenant stating that NE#1 would augment if WS#1 would let him work with SO#1. The Precinct Lieutenant acknowledged the email and forwarded it to WS#1, who responded “done.”

Several emails appeared to be from NE#1 to individuals at Human Resources in order to set up parking access for SO#1.

NE#1 sent an email dated January 1, 2022, to an individual (who shared NE#1’s last name) including an attachment of the Letter. NE#1 wrote in the email “Ok you can life coach me on this. Too much? Ok?”

NE#1 sent an email dated January 2, 2022, to WO#1 that included a copy of the Letter. WO#1 responded the next day “wow. That is all.”

NE#1 sent an email dated January 2, 2022, to SO#1 with a copy of the Letter. NE#1 wrote “I have attached the scanned copy of the letter for you. Had fun working with you on New Years and great job on the shooting!”

f. Text Messages

OPA reviewed a voluminous quantity of text messages between NE#1 and SO#1. Some of these were provided by SO#1 to EEO, but SO#1 noted that many text messages between herself and NE#1 had been deleted as her phone delated text messages after thirty days.



At his OPA interview, NE#1 provided OPA with copies of all text messages between himself and SO#1. Altogether, NE#1 provided OPA with about 291 pages of text messages. NE#1 sent SO#1 the first text (his contact information) on July 31, 2022. The last texts were undated, but appeared immediately after Friday, December 31, 2021, and listed the day sent as Saturday—OPA finds these were sent on January 1, 2022. During that time, NE#1 and SO#1 texted each other most, if not the vast majority, of days. Most of the messages related to work, but the tone of the messages was familiar and friendly. These messages included discussions about partnering on shifts and a temporary reassignment for SO#1. Many other messages also discussed personal matters, principally the difficulties in SO#1's personal life.

On October 26, 2021, NE#1 sent SO#1 several texts, one of which asked SO#1 "to dinner." SO#1 responded later that day with a single text but did not address the invitation to dinner. After a series of texts from NE#1, SO#1 responded the next day, apologizing for the delay and explaining that she had "family issues."

After October 26, NE#1 and SO#1 texted about, among other things, HR paperwork and the possibility of SO#1 taking a temporary assignment in the Intelligence Unit. In the text messages, NE#1 tells SO#1 that he has already had the temporary assignment approved by SO#1's precinct command and that he had prepared the memorandum requesting the temporary assignment for her to review and sign. SO#1 expressed thanks to NE#1. NE#1 and SO#1 continued the discussion about possible dates for the temporary assignment into December.

On December 25, 2021, NE#1 and SO#1 texted about a Christmas present that SO#1 gave to NE#1.

On December 28, 2021, SO#1 stated to NE#1 "if you're working NYE I'll partner." NE#1 responded, "Let's do that for sure."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

The Complainant alleged that NE#1 violated law or policy by engaging in "stalking" behavior towards SO#1.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

OPA concurs with the determination of the criminal referral that NE#1's behavior did not rise to the level of criminal behavior. As reasoned by the detective assigned to the criminal referral and the Supervising City Attorney, the RCWs for both stalking and harassment require that the victim be in reasonable fear of injury or property damage. See RCW 9A.46.020 and 9A.46.110. Decisively, SO#1 has consistently stated that she did not fear NE#1.

Moreover, other evidence does not support a sustained finding for this allegation. This policy violation was classified, principally, due to the allegation that NE#1 drove by SO#1's residence and the January 1, 2022 incident outside the precinct gym. SO#1 stated that she only believed she saw NE#1 drive by her residence because she saw a black Police Interceptor Unit (PIU) late at night. Notably, SO#1 lives in the immediate vicinity of a police precinct and numerous



officers drive the same make and model PIU. NE#1 denied intentionally driving by SO#1's residence, but noted that he lives in the same general area and drives down SO#1's street for other reasons.

With respect to the January 1 incident, SO#1 originally stated to EEO that she found this behavior creepy and stalkerish, but later said to OPA that she was "irritated just in general, not specifically towards [NE#1]." NE#1 also explained that he went to the precinct every day during that period to go to the gym. NE#1's prox card access records corroborate that statement.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 - Allegation #2

5.001 Standards and Duties 10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 engaged in unprofessional behavior through his continuous, unwanted attention towards SO#1.

SPD Policy 5.001-POL-10 requires that SPD employees "strive to be professional." The policy further instructs that "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers" whether on or off duty. (SPD Policy 5.001-POL-10.)

The behavior at issue in this case is not—on its own—against policy. There is no policy prohibiting from routinely partnering with specific officers when augmenting, mentoring a junior officer, sending text messages, writing a letter to a coworker's family member, or—barring a supervisory relationship—expressing romantic interest in a coworker. Whether or not NE#1's behavior towards SO#1 violated policy depends on whether it was unwanted.

On the evidence in this case, OPA cannot conclude that NE#1's behavior towards SO#1 was unwanted. More specifically, OPA cannot find by a preponderance of the evidence that there was any objective reason for NE#1 to believe that his behavior was unwanted.

From August 2021 onwards, SO#1 did not tell anyone that NE#1 was making her uncomfortable until she spoke with WS#1 and WS#2 in early January 2022. SO#1 then made a number of statements describing her discomfort with NE#1 to WS#1 and WS#2 that they memorialized in the EEO Complaints. SO#1 also stated in her EEO interview that she was "creeped out" by NE#1's behavior. However, SO#1 later stated to OPA that she had a lot going on in her personal life at that specific time and "it was just – it was a day, and with everything I had going on in my personal life and just the call volume that we had in the last two nights and then it was – I was just irritated." In her OPA interview, SO#1 also described NE#1 as her friend. Finally, despite SO#1 declining at least one invitation for a date with NE#1, it does not appear that she ever tried in any other way to limit her contact with NE#1 from August 2021 through January 2022.

OPA gives particular weight to the text messages between NE#1 and SO#1. Collectively, they appear to represent an almost daily record of the relationship between NE#1 and SO#1. OPA recognizes that there is often additional context behind written messages like text messages. But the volume, tone, and frequency of the text messages between NE#1 and SO#1 appear to document a friendly, consensual friendship in which both work-related and personal issues were discussed. There was never a message in which SO#1 expressed the sentiment that NE#1 was making her



uncomfortable or that she wanted to limit her contact with him. Notably, SO#1 suggested that she partner with NE#1 on December 31, 2021.

While OPA cannot reach a conclusion as to whether NE#1's behavior towards SO#1 was unwanted—or, if it was, that this was ever communicated to NE#1—OPA finds that the power dynamics at issue in this case created a possible, but not willful, violation of policy and that the most appropriate resolution is a training referral. At the time they met, NE#1 had worked for SPD for over twenty-five years. As a veteran member of a selective follow-up unit and federal task force who worked out of SPD headquarters, NE#1 was extremely well placed to guide and help advance any junior officer's career. Moreover, NE#1 and others acknowledged that he did as much by regularly mentoring junior officers. NE#1 also made statements to SO#1 such as "If anyone hassles you at SPD, please let me know. I can just listen-or break them. [emoji faces]" NE#1 also demonstrated that he was able to take steps to positively influence NE#1's career prospects or working conditions by clearing the way to a temporary assignment for her with the Intelligence Unit. Such a situation could easily create difficult, conflicted situations for a junior officer. Moreover, the public has an interest in knowing that opportunities for public safety positions are provided within SPD based on objective factors, not personal connections. NE#1's actions toward and on behalf of SO#1 could possibly have implicated those concerns.

Accordingly, OPA recommends that this allegation be Not Sustained – Training Referral.

- **Training Referral:** NE#1's chain of command should discuss OPA's findings with NE#1, review SPD Policy 5.001-POL-10 with NE#1, and provide any further retraining and counseling that it deems appropriate. The retraining and counseling should include a discussion regarding appropriate boundary setting when mentoring junior officers. The retraining and counseling conducted should be documented, and this documentation should be maintained in BlueTeam.

Recommended Finding: **Not Sustained - Training Referral**

Named Employee #1 - Allegation #3

5.001 Standards and Duties 11. Employees Will Be Truthful and Complete in All Communication

The Complainant alleged that NE#1 was untruthful when he told WS#1 that he and SO#1 had a "mission."

SPD Policy 5.001-POL-11 requires Department employees to be truthful and complete in all communications.

NE#1 acknowledged telling WS#1 that he and SO#1 had a "mission" to perform on December 31, 2021. However, NE#1 explained that he uses the term "mission" loosely to cover a broad range of activity. NE#1 noted that he intended the term to cover both a transportation job (that would put him and SO#1 in the vicinity of Headquarters) as well as a meeting with members of the Intelligence Unit at Headquarters.

WS#1 stated that he did not ask NE#1 to explain what the "mission" was and that it would not have mattered to him if he had been told that the "mission" was meeting member of the Intelligence Unit. WS#1 stated that he did not think NE#1 using the term "mission" was dishonest.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**



Named Employee #1 - Allegation #4

5.001 Standards and Duties 13. Employees Will Not Use Their Position or Authority for Personal Gain

The Complainant alleged that NE#1 used his position for personal gain by attempting to secure a temporary assignment in the Intelligence Unit for SO#1.

SPD employees are prohibited from using their position or authority for personal gain. (SPD Policy 5.001-POL-13.)

As discussed above at Allegation #2, NE#1 may not have fully considered the power dynamics involved in his unilateral efforts to secure a temporary assignment for SO#1. It may also be that NE#1 thought that doing something nice for SO#1 would indirectly benefit him by improving their friendship or changing the nature of their relationship to a romantic one. Such indirect benefits might occur anytime a police officer helped another person. Here, the preponderance of the evidence suggests that NE#1 attempted to secure a temporary assignment for SO#1 for her benefit, not his own. That is, NE#1 was trying to help get SO#1 a break from patrol work during a difficult time in her life, not accrue any personal gain directly in the process. To the extent NE#1 acted inappropriately, it was by taking the steps he did without first discussing it with SO#1 or encouraging her to apply on her own in the first instance. These issues are addressed fully in the training referral for Allegation #2.

Accordingly, this OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained - Unfounded**