INVESTIGATION REPORT

November 20, 2024

TO: Lisa Judge, Inspector General

Seattle Office of Inspector General

FROM: Shayda Z. Le, Barran Liebman LLP

RE: Investigation Report Regarding 2024OPA-0286

Confidential

This Report documents my fact-finding investigation regarding 2024OPA-0286 and allegations against former Chief of Police, Adrian Diaz.

I. INTRODUCTION AND SCOPE

The Seattle Office of Inspector General (OIG) engaged me to conduct a confidential independent workplace investigation.

The scope of this investigation encompassed complaints received against former Chief of Police, Adrian Diaz. Mr. Diaz was alleged to have had an intimate and/or romantic relationship with , a woman who was ultimately hired under his direct command.

The policies and procedures potentially relevant to this investigation are those falling under:

- Seattle Police Department Policy Manual Mission Statement and Priorities
- Seattle Police Department Policy Manual 5.001 Standards and Duties
- Seattle Police Department Policy Manual 5.002 Responsibilities of Employees Concerning Alleged Policy Violations
- Seattle Police Department Policy Manual 5.130 Supervisor/Employee Relationships
- Seattle Police Department Policy Manual 12.110 Use of Department E-Mail & Internet Systems
- City of Seattle Chapter 4.04 Personnel Regulations
- City of Seattle Chapter 4.16 Code of Ethics, including 4.16.070 Prohibited Conduct
- City of Seattle Personnel Rule 1.1 Discrimination, and Harassment, Workplace Misconduct and Retaliation

This is the Confidential and Privileged Investigation Report ("Report") of my findings. It contains detailed information, witness accounts, relevant documentation, and analyses and findings related to the scope. It is anticipated that this Report will be maintained confidentially by the decision-makers and will not be disseminated except as required by law or as determined by OIG. A separate communication may be prepared to notify the parties of the completion of the investigation and the summary of findings.

II. STANDARD OF PROOF

I analyzed the facts to determine whether the allegations were founded or unfounded under a preponderance of the evidence standard. "Preponderance of the evidence," for purposes of this Report, means that the evidence on one side simply outweighs, or is more than, the evidence on the other side. This is a qualitative standard, not a quantitative standard.

III. INVESTIGATION BACKGROUND

Statement of Independence

I identified a process for this investigation based upon the scope of the concerns raised, my analysis of the issues, and the information provided by OIG, the respondent, and all witnesses. I obtained information as necessary from OIG and the individuals interviewed, and was provided with information which I requested. I was able to conduct this process independently and nobody interfered with the process or my approach.

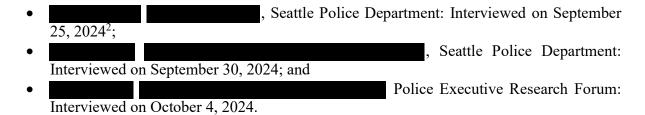
Witnesses Interviews

All of the interviews were conducted either in-person, via videoconferencing software, or by telephone. I offered all individuals the opportunity to offer additional information or documentation subsequent to the interviews and provided sufficient time after each interview to allow any such additional information to be submitted.

I interviewed the following nine individuals, for a total of 16 interviews, on the dates identified:

- Seattle Police Department: Interviewed on June 27, 2024, and September 18, 2024;
- Seattle Police Department: Interviewed on July 19, 2024;
- Seattle Police Department: Interviewed on August 16, 2024, September 16, 2024, and September 19, 2024;
- Adrian Diaz, former Chief of Police, Seattle Police Department: Interviewed on August 21, 2024, October 1, 2024, and November 7, 2024;
- former state, Seattle Police Department: Interviewed on August 31, 2024¹;
- Seattle Police Department: Interviewed on September 18, 2024, September 19, 2024, and October 3, 2024;

was also scheduled for a follow-up interview on November 6, 2024. She notified me shortly beforehand that she no longer worked for the City of Seattle and would not be participating in any further interviews. I was therefore not able to talk to her about those topics which were planned for that interview.



Admonitions

With each witness, I explained my role as an outside investigator and that I had been tasked with fact-finding only, made clear that I am an attorney functioning as an outside investigator in a limited representation role for this matter, made clear that I could not provide any of the witnesses with legal advice, provided information about the concerns raised to the extent needed in order to ask the necessary and relevant questions, asked each individual to try to be as candid and detailed in their responses as possible in order to allow me to reach findings, and explained that the Report would be provided to OIG and that the investigation process was not completely confidential, noting the City's anti-retaliation policy.

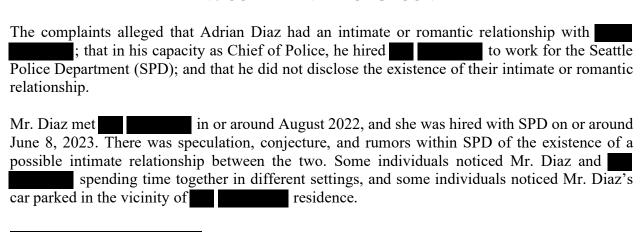
A representative from OIG also provided each witness with admonitions, a Garrity advisement, the Seattle Police Officer's Bill of Rights, and notification of the allegations made in the complaint.

I provided each witness with the opportunity to ask any questions after my admonitions and before my questions began, again at the end of the interview, and also invited them to follow up with me if any other questions or details arose subsequent to their interviews.

Documentation

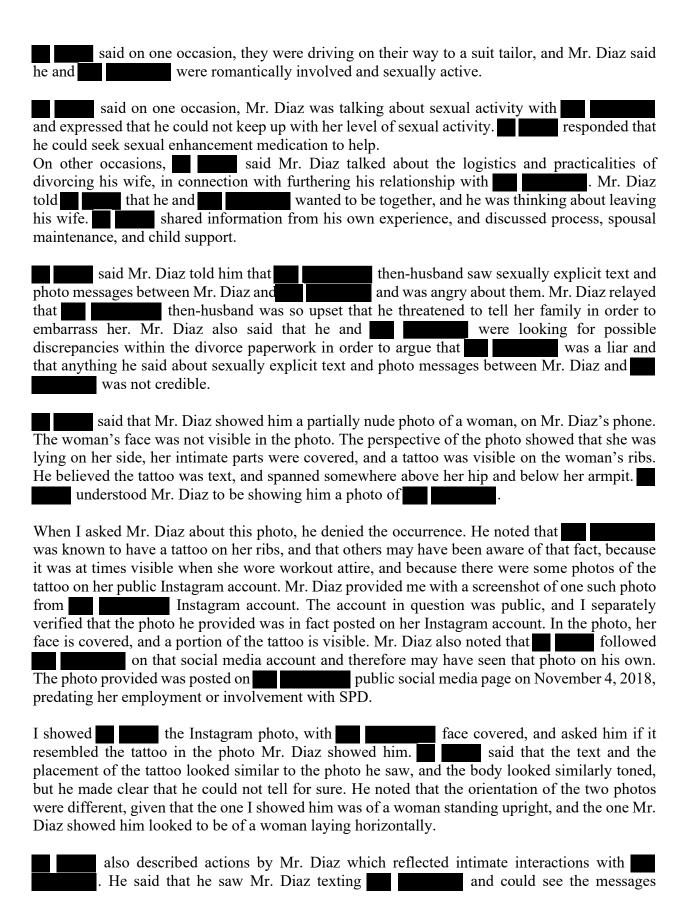
I reviewed documentation provided by OIG, witnesses, and the respondent, including written policies and procedures. An expert handwriting analysis was also conducted.

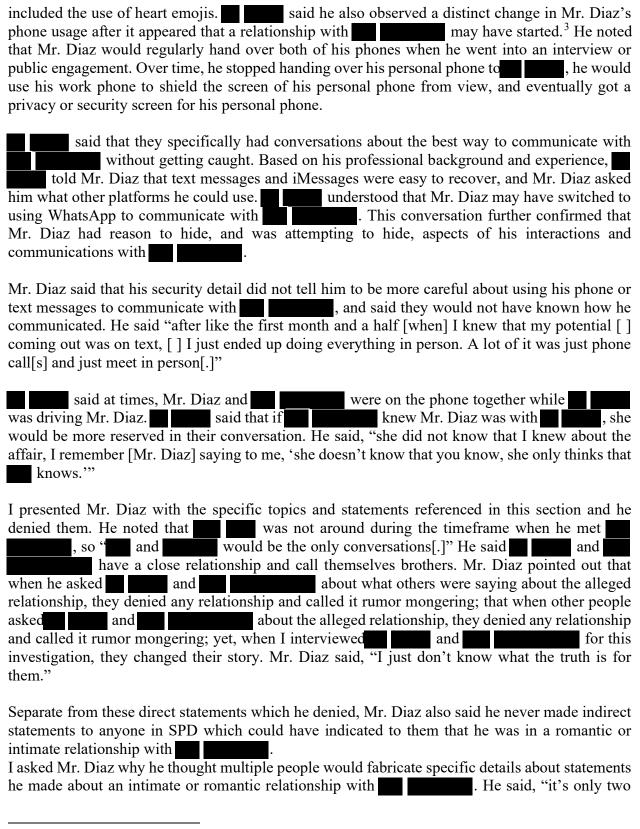
IV. COMPLAINT BACKGROUND



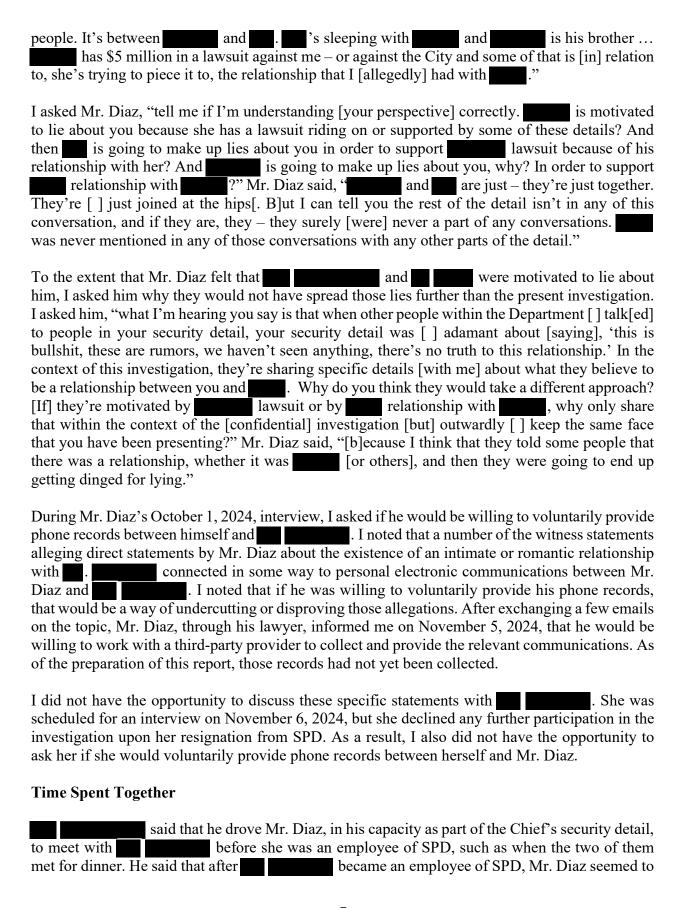
² Issues arose during the course of the investigation which necessitated an interview with ; the information she provided was ultimately more pertinent to, and will be addressed in, 2024OIG-0004.

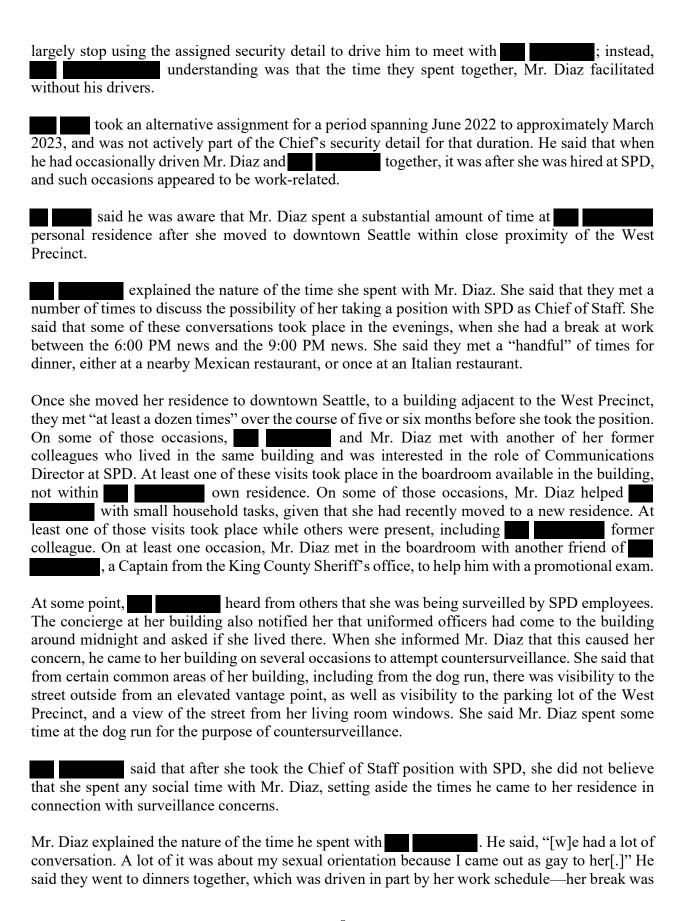
Even if taken as true, those observations or conjectures would have established that Mr. Diaz and spent time together or had a professional or personal relationship. They would not, by themselves, have established that Mr. Diaz and had an intimate or romantic relationship. Therefore, for purposes of this investigation, interviews did not focus on individuals who had only conjecture to offer, or who had direct observations of interactions that would not have established the existence of an intimate or romantic relationship. Similarly, interviews did not focus on individuals who might offer only belief or opinion that an intimate or romantic relationship did not exist. In particular, the complaints indicated that Mr. Diaz's security detail ought to be interviewed.		
V. EVIDENCE AS TO ALLEGATIONS		
This section describes and summarizes information gathered from witness interviews and documentary evidence.		
denied any romantic or intimate relationship between herself and Mr. Diaz, and said that they were never more than platonic friends.		
Mr. Diaz denied any romantic or intimate relationship between himself and said that they were never more than platonic friends.		
Direct Statements About a Relationship		
reported that Mr. Diaz made statements directly to him which he categorized as "guy talk." said that all of these statements took place before was hired as an employee of SPD.		
said Mr. joked that the people in their vicinity likely knew his name was Adrian because of how loud was during their sexual activity.		
said Mr. Diaz told him had a sex toy, specifically a Rabbit, for when Mr. Diaz was not around.		
said Mr. Diaz would receive and view text messages from the comment out loud that he was "going to hell [be]cause of the life he was living."		
said on one occasion, he was in the car with Mr. Diaz and heard the two of them joking about Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication. On that occasion, did not specifically hear Mr. Diaz reference heard the two of them joking about Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication. On that occasion, he was in the car with Mr. Diaz and heard the two of them joking about Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication. On that occasion, he was in the car with Mr. Diaz and heard the two of them joking about Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication. On that occasion, he was in the car with Mr. Diaz and heard the two of them joking about Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication. On that occasion, he was in the car with Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication.		
did not hear Mr. Diaz make any direct statements which would reflect a romantic or intimate relationship with the statement.		
reported that Mr. Diaz made several direct statements to him about a romantic or intimate relationship with		



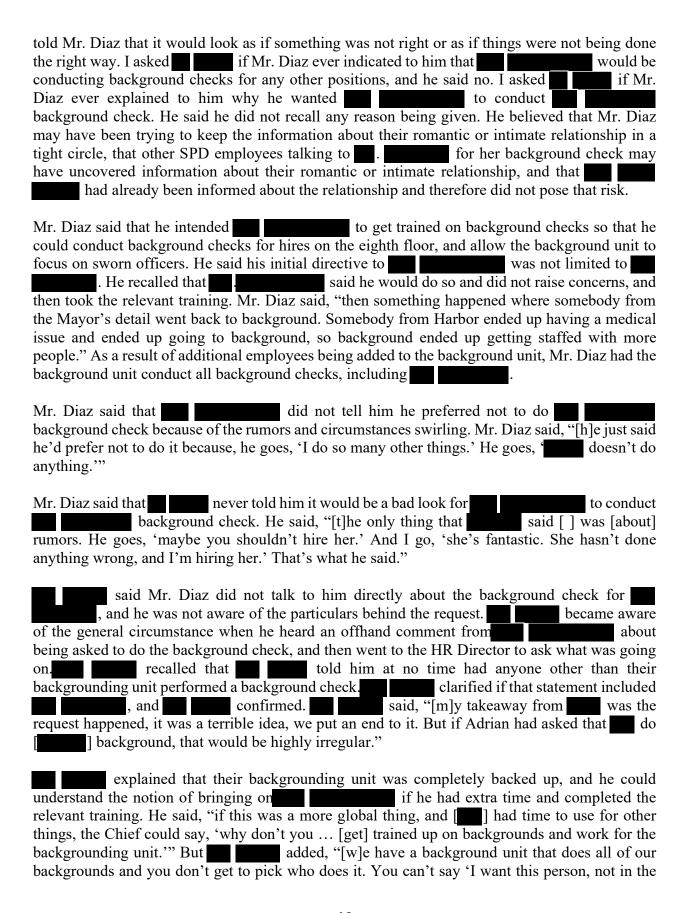


said he started providing part time security detail services to Mr. Diaz around the Spring or Summer of 2022, through late Summer of 2023.





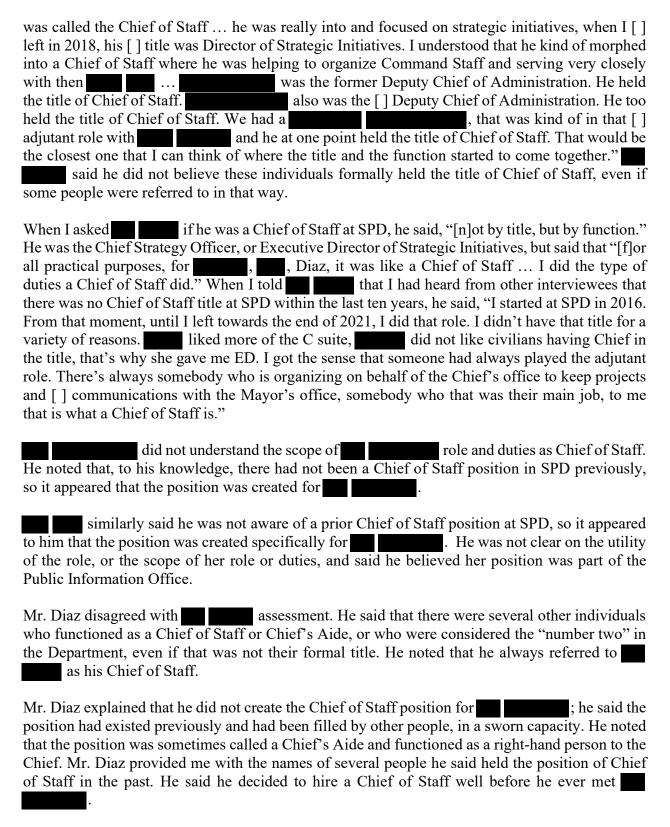
typically between 7:00-9:00 PM. He said some of the time spent together was in discussion about the Chief of Staff position and related onboarding. In January 2023, he helped her move into her new residence. He said some of the time spent at her building was in common areas, and with other people who were friends of people who were friends of people with her friend who was interested in a position with SPD in communications. Mr. Diaz roughly estimated that he might have spent time with 20 times between January 2023 and May 2023.
Mr. Diaz said he heard that was being surveilled by SPD employees. He estimated that this might have been around February 2023. He said was nervous about this, and he therefore went to her building on several occasions to attempt countersurveillance. He said that most of the time he spent at her building took place in common areas, such as the dog walk or mingling space, where the vantage point "allowed me to look down to see if anybody was actually trying to surveil on her." When I asked Mr. Diaz if he ever saw anyone he recognized from SPD while he was undertaking countersurveillance, he said, "well, I was right next to the West Precinct so it's hard – yeah you saw a lot of personnel, but it's hard to distinguish what is the surveillance and what isn't."
Background Check
said that Mr. Diaz asked him to undertake training related to background checks, which was not otherwise part of his duties, and assigned him to conduct the hiring background check for . Mr. Diaz had not asked to perform any other employee background checks up until then, and in explanation for this request told him only that the background unit was too slow. When Mr. Diaz directed to take the training for the purpose of conducting background check, initially "just said okay" and did not express any reservations.
After completed the training, he said he told Mr. Diaz that he did not feel comfortable conducting background check. He felt that with all of the Department rumors about Mr. Diaz and checks through the designated background unit might put him in the middle of difficulty. Once he expressed that he preferred not to conduct background check, Mr. Diaz then said he also planned to have perform background checks for other hires on the eighth floor. Said it took him saying no "a few times" before Mr. Diaz had the background check completed by someone else.
recalled that Mr. Diaz asked to undertake training related to background checks. He said the request seemed unusual, in light of the fact that a dedicated background unit was charged with conducting all of the background checks. His recollection was that once there was some pushback, Mr. Diaz then said that would start with background check and then conducting other background checks for hires on the eighth floor.
said that he talked to Mr. Diaz about the request that background check. He told Mr. Diaz that it "was a bad look" to complete her background check through



problematic [if] the Chief [were to] choose[] who in particular gets backgrounded by don't know that that happened." When we spoke more generally about the background check processes, noted that he would have expected specific background check assignments to to come from the background unit, as opposed to being assigned by the Chief. He acknowledged that there may have been past instances where a specific new-hire's background check was time sensitive, and where he or the Chief may have asked for the check to be expedited, but not for it to be performed by a certain person. He said, "[i]f you're directing who is doing the background, the question also acknowledged that it would be wholly within the discretion of the becomes why." Chief to change those processes. He noted, "[t]hat being said, if Chief came to me and said here is what I want to do, I would say, 'you shouldn't do that, it's going to look bad, it's arbitrary, its's going to look like you're trying to do something untoward." was not aware as to whether additional employees were added to the backgrounding unit such that help was not ultimately needed. was not aware of the particular details surrounding Mr. Diaz's request to . Specifically, he was not aware whether Mr. Diaz had asked perform only background, or others as well. I asked what he thought to take the relevant training, to perform of Mr. Diaz asking background check, and then to proceed to conduct other background checks for the eighth floor. said that would still have been an unusual deviation from process. He said, "I would argue that a hire on the eighth floor should be more transparent. I would not want a specialized process for hiring on the eighth floor. The Chief has the authority to appoint exempt positions without a hiring process, just tap people. He gets to do that, but then that person is then backgrounded by the Department. I would have opposed any specialized backgrounding for exempt employees, which is what that would be." was under consideration for conducting background was aware that checks, but he did not recall many specifics of the situation. He did not recall, for example, that completed the training. did not recall having any specific discussion with Mr. Diaz about the advisability of this course. did not recall him with questions or concerns about conducting background checks for either or for the eighth floor. thought the suggestion was related to the backlog in the backgrounding unit, and challenges around the timing of completing background checks. He said, "I think the idea was that became trained, he could do background for us, including I think was specifically mentioned." did not recall whether was from the beginning asked to background check as well as others for the eighth floor, or if conduct both was initially asked to conduct only background check, with a later request or suggestion that he conduct other background checks for the eighth floor. said that generally, the Sergeant in charge of the backgrounding unit would assign specific files based on workload amongst the Detective staff. He said the Chief could certainly

backgrounding unit, to conduct this background for whatever my purposes are' ... It becomes very

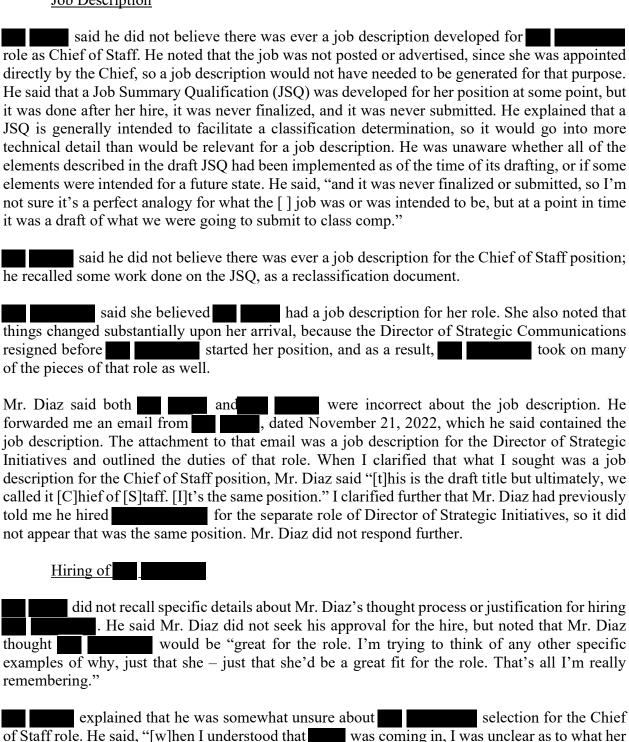


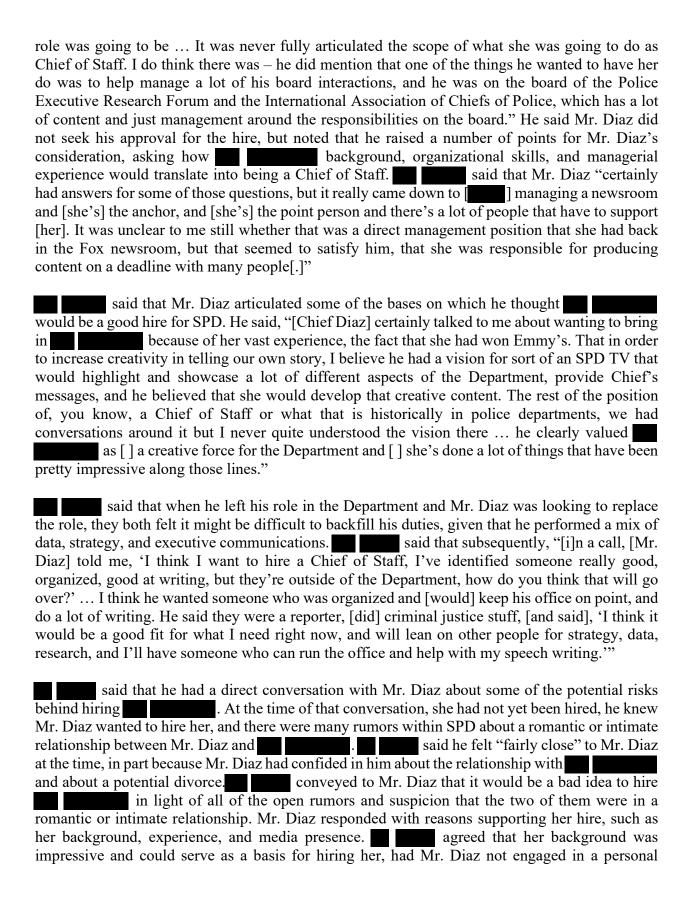


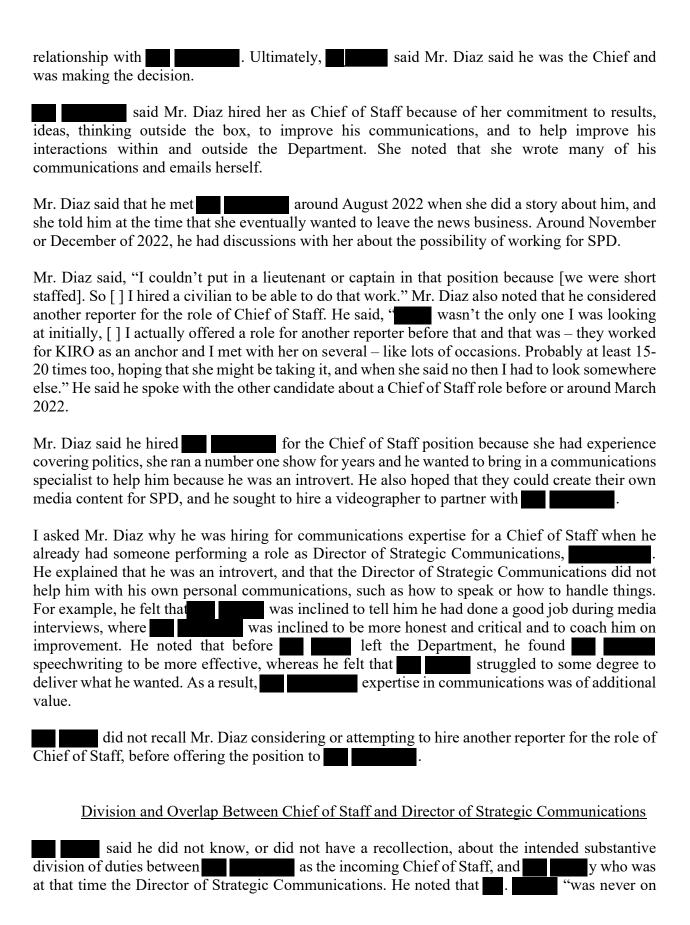
Mr. Diaz said that around November or December of 2022, he was hiring a Director of Strategic Initiatives, which was a Strat 2 position. He already had a Director of Strategic Communications,

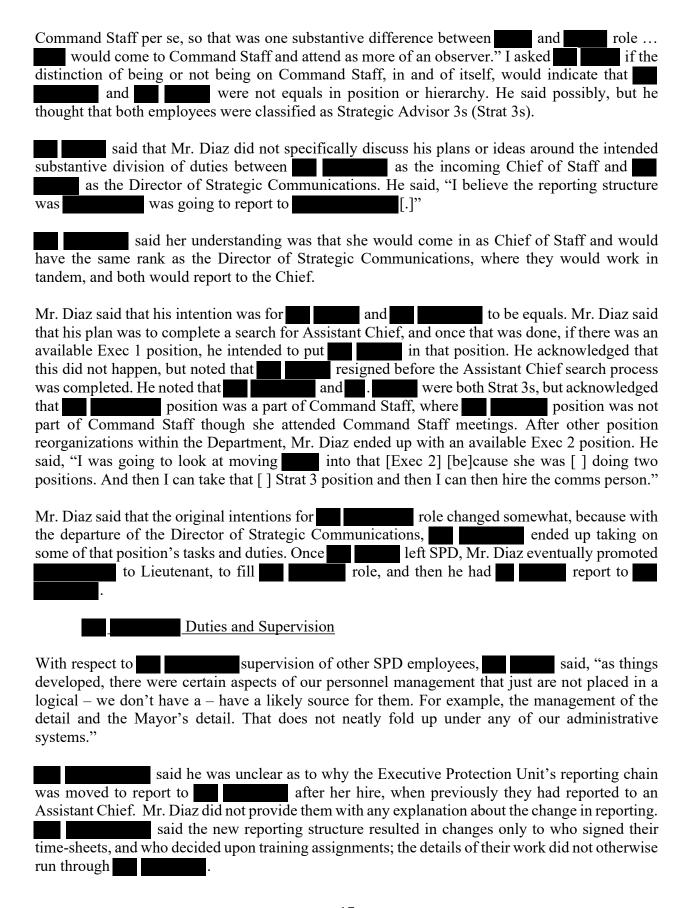
which was a Strat 3 position. He had another Strat 3 position available. He decided that he would have the Director of Strategic Initiatives cover work with City Council, he would have the Director of Strategic Communications handle communications for the Department, and he would hire a Chief of Staff into the open Strat 3 position to "help [him] with [his] work."

Job Description

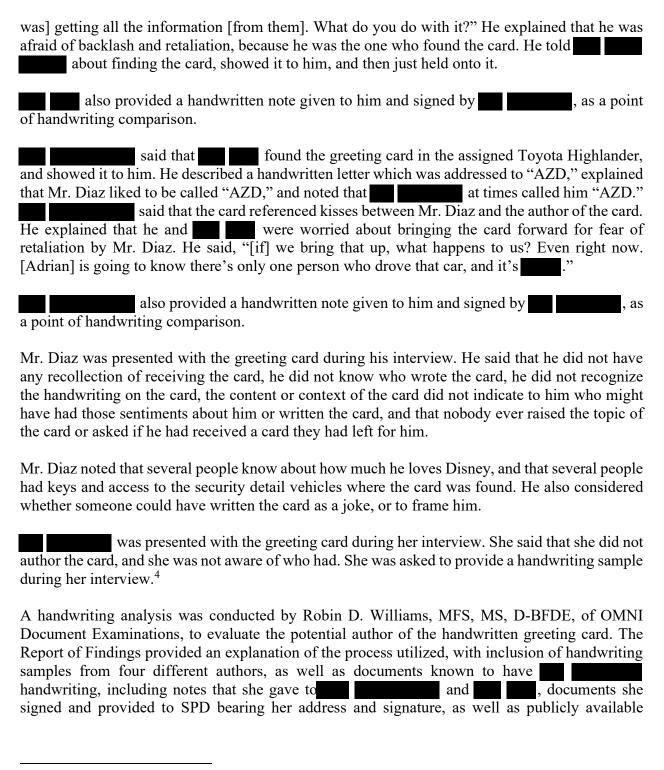








also noted that the Executive Protection Unit was moved to report to after her hire, but her primary oversight of their unit was to sign their timesheets. He said the Public Information Office ultimately reported to her as well.
Mr. Diaz said that he eventually had both Communications and Executive Protection report to . He explained that the Chief of Staff would handle the security detail's timesheets and travel logistics, but if it came to any substantive management of the security detail, including where the Mayor might have requests related to the security detail, those would go through the Chief.
also said that appeared to work remotely to a greater degree than other SPD employees. He said that under Mr. Diaz's leadership, the general expectation was that employees needed to be physically present at work on most or all days.
said that she was not aware of any specific expectation around how often she or others were permitted to work remotely or expected to work from the office.
Mr. Diaz said that another employee, had a similar schedule in that she worked three days a week from the office. He noted that it was not until July 2023 that they started taking the position that Command Staff and Executive Assistants should be in the office five days a week.
Handwritten Card
reported that he found a hand-written greeting card in the Toyota Highlander that was assigned to him. As part of their regular duties, the security detail maintained their assigned vehicles, periodically cleaned them out, and organized relevant supplies for the vehicles. As he was cleaning out the vehicle, on or around May 27, 2023, he found a greeting card in the storage seat pocket behind the front passenger seat.
The envelope was addressed to "AZD" and inside was a Papyrus birthday card with an Ewok on the front. The interior of the card included a handwritten message, as follows:
Adrian, When I think about you, I think of the first time I saw you smile. You were so shy, but sweet. And I loved the way you chose your words so carefully. I wondered what you were filtering out. What made you tick? What made you laugh? Why would a person want to take on such a challenging role? Now that I know you, I know the answers to those questions. What I did not expect was how knowing you would bring me closer to me. More in line with who I am. How I feel. What I want. Where I want to go. Before I knew you, I didn't really know me. You woke me up. Like a prince in one of your Disney movies. I hope I always know your kiss. I hope I always feel your influence. I hope to always know you and me. I love you, Me.
noted that "AZD" stood for Adrian Zane Diaz. He did not readily recognize the author's handwriting, but thought that it might have been written by given the circumstances and the status of conjecture about a potential relationship. He said that finding the card "scared the shit out of us." explained, "[w]e didn't know what to do with it. Who do you give it to? Do you give to, you know OPA, EEO, I mean I don't trust them. We didn't trust them. [Chief Diaz



The specific sample was requested under the direction of the handwriting analyst. The handwriting analyst instructed that a first part to the sample should be collected, and after an imposed break in writing, a second part to the sample should be collected. During her interview, was asked to provide a single handwriting sample, without an imposed break in writing. As a result, was asked to return to OIG offices, so that she had the opportunity to provide the appropriate two-part sample, which she did.

documents such as a Deed of Trust and Mortgage Rider. The Report of Findings also identified that the examiner was not informed of the suspected author of the greeting card.

The analysis concluded that it was "highly probable that the handwriting that is in question on [the greeting card] was written by the same person, whose handwriting is on the Items WR-4-K-11 and Items JT-K-1 through JT-K-6."⁵

The analysis further noted that "[i]t is the opinion of this examiner that the submitted requested writing samples from showed evidence of disguise in the writing samples dated September 11, 2024. Some methods of disguised handwriting include changing the slant, changing the size of the handwriting, changing the style of the handwriting, writing at a lower skill level and using unusual or grotesque letter forms."

I did not have the opportunity to discuss with the outcome of the handwriting analysis or the assessment that she had attempted to disguise her writing sample. She was scheduled for an interview on November 6, 2024, but she declined any further participation in the investigation upon her resignation from SPD.

Other Information

Command Staff Meeting

understood from others that Mr. Diaz told Command Staff that he had reached out to the Federal Bureau of Investigation and to Homeland Security Investigations, and that if SPD officers were following or following him for the purpose of trying to catch them together, that amounted to corruption and a misuse of Department resources. was not present for the meeting himself; he noted that some people in SPD understood these statements to mean that Mr. Diaz threatened employees with an investigation if they talked about the potential existence of a relationship.

was not present at the Command Staff meeting referenced. He understood from others that Mr. Diaz was giving Command Staff a warning to cease talking about rumors of a relationship with

said he might have been present for the Command Staff meeting referenced, and did not recall Mr. Diaz making any statements that sounded threatening.

⁵ The report also noted, "it has been the opinion of some courts that an attempt to disguise one's handwriting in request writing is a consciousness of guilt based on the following cases i.e.:

[•] U.S. v. Wolfish, 525 F2 457 (2 Cir. 1975); cert denied, 96 S. Ct. 794 (1976).

[•] U.S. v. Shively, 715 F2 260 (7 Cir. 1983); cert denied 79 L Ed2 233, 1104 S. Ct. 1001.

[•] U.S. v. Jackson, 886 F2 838, 28 Fed Rules EviServ 1141 (7 Cir. 1989).

[•] U.S. v. McDougal, 137 F3 547 (8 Cir. 1998)."

Mr. Diaz provided a written draft of a statement he prepared in advance of the Command Staff meeting, and said that he read directly from the statement. The draft statement he provided to me read as follows:

Most of you know that will be joining SPD next week to manage initially internal and external communications for my office as well as special events and other assignments. But since left she will oversee Public Affairs until that position is filled. This is a process that has been in the works for several months now, and I am looking forward to her arrival. She will be an asset to this team, and SPD, and will help us all to "tell our story" moving forward. She is not the only person I have been recruiting but several to help this department[.]

Let's address the rumors. I have heard rumors for the past few months. Let me be very clear: these rumors are false. I find these rumors disgusting and unprofessional, we all know that when you take on a leadership position rumors come with the territory. But this is not about me: this is about the hostile environment they create for an incoming highly-credentialed employee before she even steps in the door.

This last week a member of local media informed me that an Assistant Chief in this department had reached out to spread this false allegation publicly. That same A/C alleged that West Precinct officers had been surveilling to confirm the rumors. This has caused extreme alarm where she doesn't feel safe. It is even more concerning that an A/C would know of potential criminal activity and go to a reporter.

This elevates the situation. Reaching out to a reporter to spread false allegations is not only a betrayal to the integrity of this department, but reflects an insidious culture of sexism. We all know that salacious lies impact women disproportionately in the professional environment. This act does exactly that.

I have reached out to City Ethics and Elections and encouraged them to open whatever investigation they may feel appropriate. I have also been in touch with federal authorities to discuss the allegations concerning surveillance of

But this is my expectation of you, as this department's command staff:

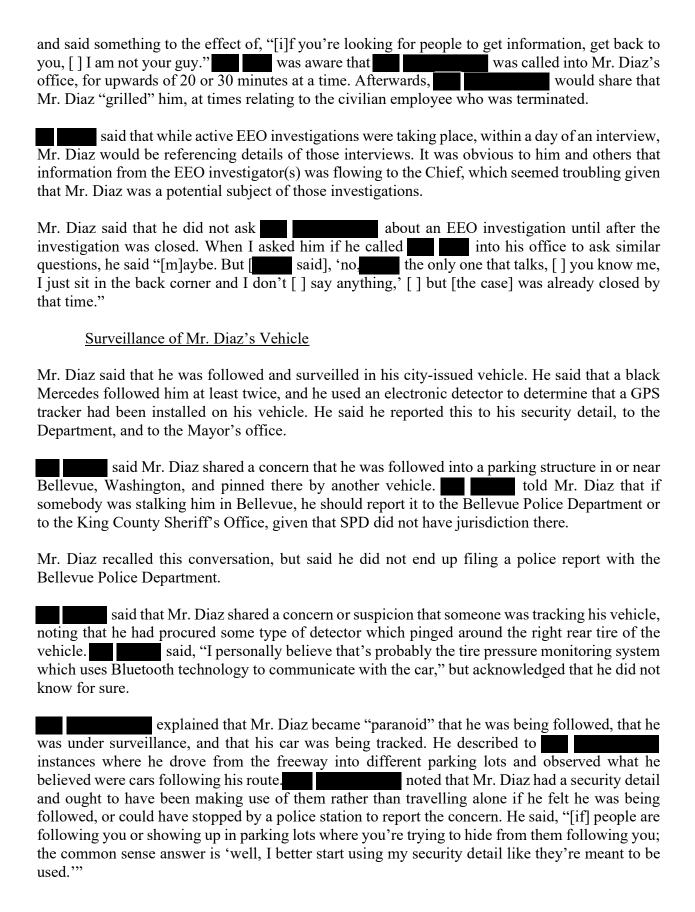
If you hear these rumors – shut them down.

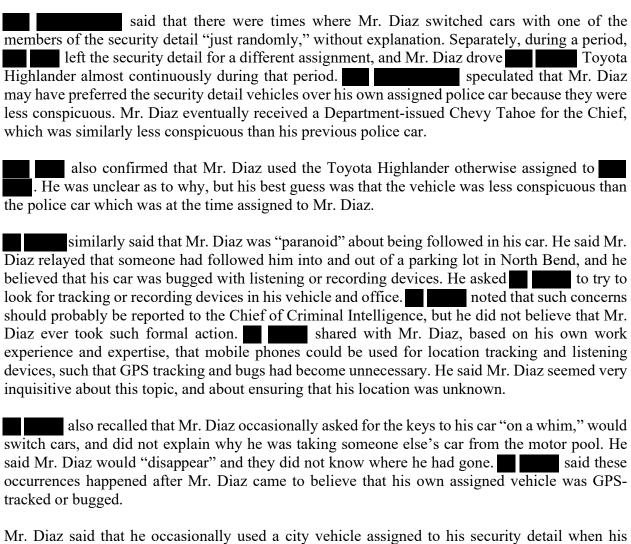
If you have been spreading them – knock it off.

I am disgusted by these turn of events. We are better than this.

I expect that will be welcomed and supported as she takes on her new role.

Mr. Diaz said he did not generally deviate from the text of the prepared draft. was present at the Command Staff meeting, and was familiar with the draft statement prepared in advance of the meeting. He said, "I do remember feeling afterwards that I wish [Chief Diazl had stuck more closely to this and read the script," but said there was not anything "serious" that deviated from the statement. When I asked if anything that Mr. Diaz said during that meeting sounded like a threat towards the Command Staff, he said that he did not find anything said to be threatening; the reference to the FBI and Homeland Security was in reference to potential corruption, and stalking of said Mr. Diaz's statements sounded more like he took the situation "seriously and [that] we as Command Staff cannot be participating in rumor mongering." Fear of Retaliation noted that there was fear of retaliation by Mr. Diaz. This was in part because some people within SPD who were demoted by Mr. Diaz had been vocal about criticisms of Mr. Diaz, noting that a relationship between Mr. Diaz and , if true, was problematic. also said that there was a civilian employee who was fired for admitting to spreading rumors about a relationship between Mr. Diaz and ; he noted that individual was fired despite the fact that many other people in SPD speculated about a potential relationship between Mr. Diaz and similarly raised the point that a civilian employee was fired for spreading rumors about . He said that he and both felt fearful of potential Mr. Diaz and retaliation by Mr. Diaz. explained that he was pulled into the Chief's office on several occasions, during which Mr. Diaz asked him directly about information that arose during EEO investigations. said, "[Chief Diaz] knew things that were being said during that [EEO investigation] that probably aren't right for people to know, which is what really makes me nervous about this, because he pulled me in [] and asked me why my name was coming up in that particular investigation ... Every time someone would say something or there was an investigation done about it, or someone's lawyer said they wanted to depose me, [] he'd pull me in his office and he'd sit me down and he would ask me about it for, I mean, like 45 minutes, an hour. I mean, it was very clear to me, like, if I open my mouth I'm fucked." He said Mr. Diaz would ask him why his name came up, why others wanted to talk to him, who he was talking to, and on at least one occasion had a transcript of an interview and showed the portion of the transcript referencing the security detail. He said was also pulled into the Chief's office and asked name was coming up in investigation interviews. clear that Mr. Diaz never asked specifically that he not share information about the relationship when asked, but he felt it was clearly implied. with said Mr. Diaz had information about internal investigations and EEO complaints that he should not have had. said that he was also pulled into the Chief's office and asked about rumors and EEO investigations. He told Mr. Diaz he did not involve himself in rumors, that Mr. Diaz would need to talk to about events or issues relating to





Mr. Diaz said that he occasionally used a city vehicle assigned to his security detail when his assigned vehicle was being worked on. He said he also switched cars with them at times when he felt that his assigned vehicle was being tracked; he said this allowed him to understand if someone was trying to follow him. I asked Mr. Diaz how switching his vehicle would enable him to understand if his assigned vehicle was being tracked. He said, "if [the security detail's] vehicle isn't having a GPS tracker on it, it gets me to know that [] there is potentially something on my vehicle. That somebody's putting a GPS tracker on it." I clarified further, "[b]ecuase then the day that you're driving the security detail vehicle you don't see any of that [tracking] activity?" Mr. Diaz confirmed, "I'm not getting followed."

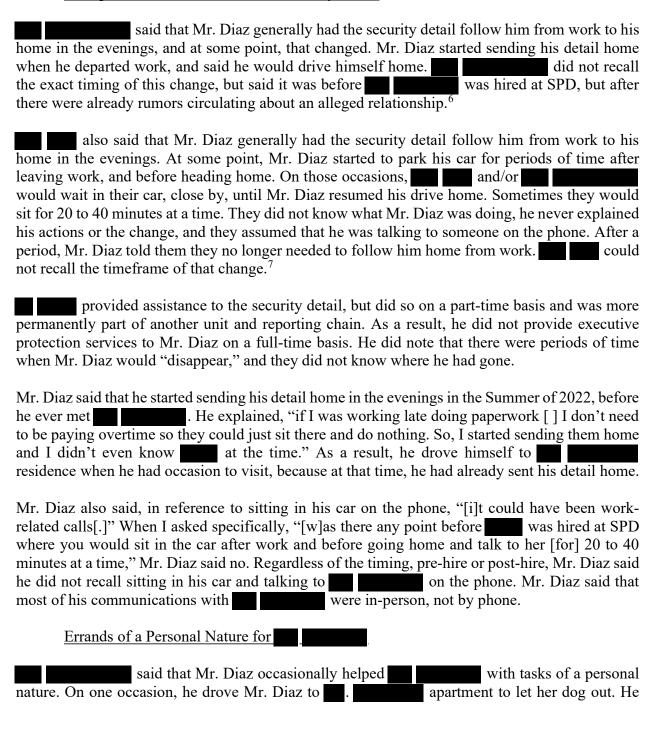
Electronic Listening Devices

said that Mr. Diaz asked him to look around the Chief's office for listening devices. He did so, but did not find anything.

said that Mr. Diaz shared a concern or suspicion that there were listening devices placed in his office. His recollection was that Mr. Diaz's office was swept for bugs and the results were negative.

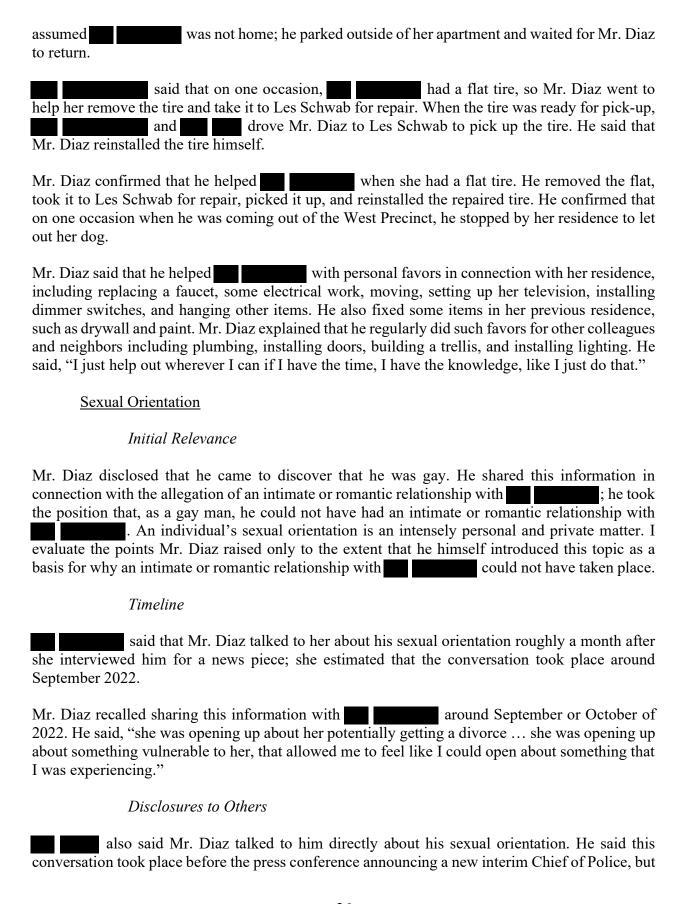
Mr. Diaz said that his office was eventually swept for listening devices and the results were clear.

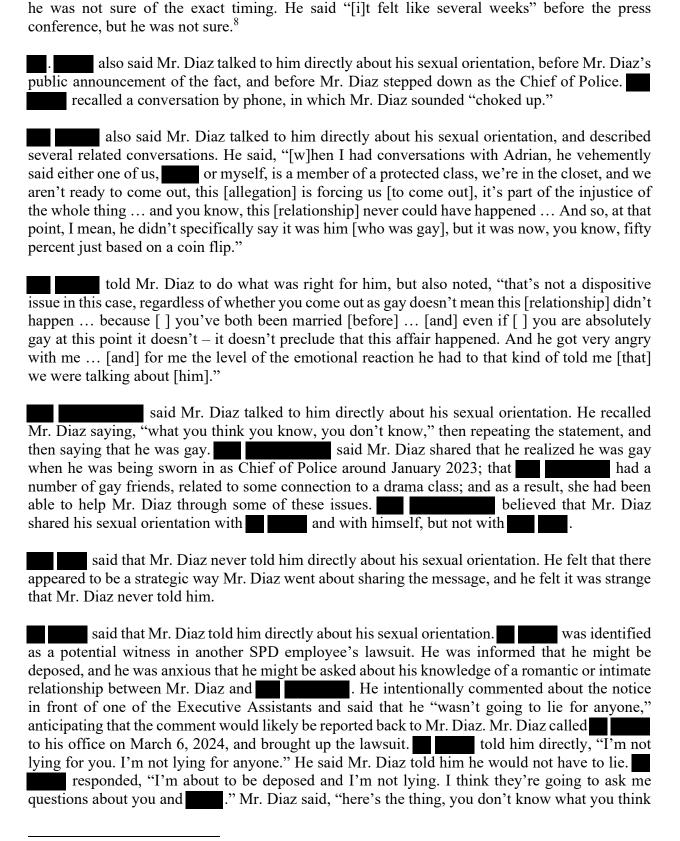
Changes in Mr. Diaz's Use of the Security Detail



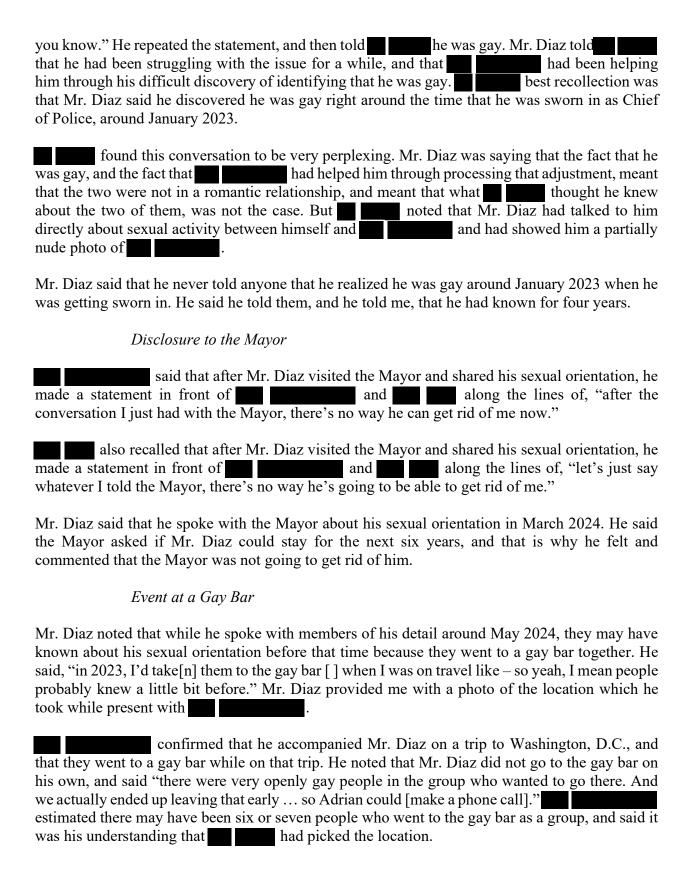
was hired with SPD on or around June 8, 2023.

took an alternative assignment and was gone from the security detail for a period spanning June 2022 to approximately March 2023.

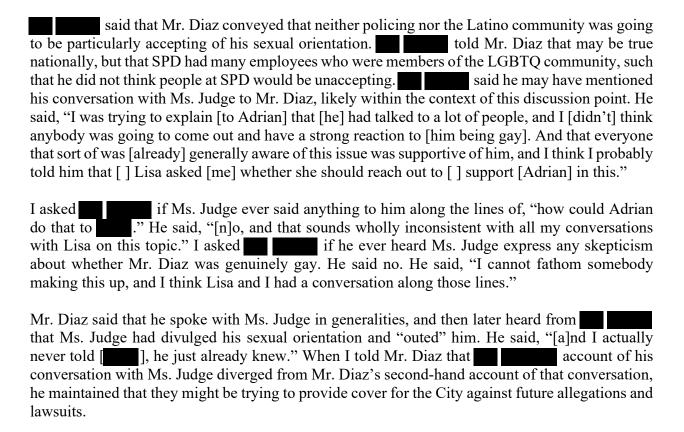




⁸ It appears that the referenced press conference took place on May 29, 2024.



I described the photo provided to me of the location, he later recalled that the location was likely Freddie's in Arlington, Virginia. He said, "[a] bunch of us went there May 23-25 (2023) when we were at the NIJ conference in Arlington (it was walking distance). We all sang karaoke. I cannot recall who all attended, but the picture description and timeline all make sense."
I noted to Mr. Diaz that others interviewed said the visit to the gay bar was with a group of six to eight people, including others in the group who were openly gay and chose the location. I asked him if there was a reason he thought that going to a gay bar would have indicated to his security detail that he himself was gay, and he said, "[w]ell, considering that [] didn't know that somebody else [organized it] I went to and said, 'we're going to a gay bar.' [I didn't tell someone else was] organizing it. No, it was my [separate] conversation with and that's when we decided. And so, then I went to and I said, 'this is where we're heading," and that's when we walked over there. So again, I think it's a – a lack of understanding by trying to like skirt the truth that trying to do."
Communications with Lisa Judge
Mr. Diaz told me that he believed the Inspector General of the Seattle Office of the Inspector General outed him to that she was biased and expressed skepticism of his sexual orientation, and that she stated to the way of the Inspector General of the Seattle Office of the Inspector General outed him to the Inspector General of the Seattle Office of the Inspector General outed him to the Inspector General of the Seattle Office of the Inspector General outed him to the Inspector General of the Seattle Office of the Inspector General outed him to the Inspector General oute
General, contacted him and relayed a similar conversation with Mr. Diaz, in which he noted the possibility that either he or was gay. said, "[Lisa] called me and said, 'I don't know what just happened, I think Adrian just came out to me' She didn't call me and say, 'Adrian is gay,' she said, 'I think he might have just come out to me.' That was not an investigative conversation [between Lisa and me]. She didn't give me any information I didn't already have." told her about his own discussion with Mr. Diaz, and said to Ms. Judge, "'I don't know whether it's him or ',' and [] what [Lisa] said is [] 'the reason I'm asking is I'm not sure whether he was asking for my support as a member of the LGBTQ community and whether I should reach out to him and [] follow up on this.' And I – I advised her not to." He told Ms. Judge that whatever happened would be on Mr. Diaz or timeline, and that's where they left things.
made clear that Mr. Diaz had probably two conversations with him referencing sexual orientation in this way, before ever heard from Ms. Judge; that Ms. Judge did not disclose to him that Mr. Diaz was gay; that everything Ms. Judge said was consistent with information he had already heard from Mr. Diaz directly; and that Mr. Diaz was the first person to ultimately disclose directly his sexual orientation to
said that Mr. Diaz called him by phone and said something along the lines of, "I think you know already but I [] came out to the [] and to and to and to an and [] I'm gay, I'm a gay man." told Mr. Diaz during that conversation, "Chief, this does not come as a surprise. I feel like there's been a lot of discussion around one of us is a member of a protected class.' I feel like that was not a tightly held conversation at that point."



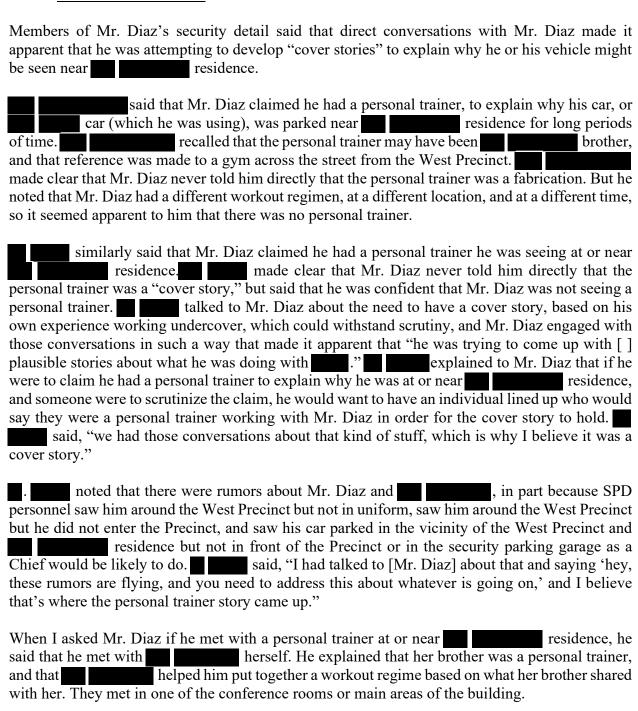
Subsequent Reaction to Relevance

Mr. Diaz said that the entire allegation of a relationship between himself and stemmed from this issue—the time they spent together talking about his sexual orientation. He said, "that's what this whole thing has been about. Me having a conversation with a friend literally divulging something that is personal, and people then sitting there saying well you're spending time with her and [] a woman and a man can't spend time with each other to even just have a conversation about [] somebody's personal life, and then [] people want to [make] it into oh god it has to be some sexual thing behind it." I asked Mr. Diaz, "when you say it matters ... you mean the fact of your sexual orientation matters to whether this whole complaint has any merit or not?" He said, "[y]eah ... I kept this secret for two years. I didn't say anything for a couple of years before, cause I knew way before 2020. And I kept my mouth shut."

Towards the end of our discussion on this topic, as I sought to clarify the details of Mr. Diaz's conversations with others about his sexual orientation, he asked me why the line of questioning was relevant. He said, "what does this pertain to and I? [How does] the conversation between and Lisa and outing me pertain to and I?" I explained that the topic was relevant to the extent that Mr. Diaz had himself introduced his sexual orientation as a reason for why the alleged relationship could not have happened, and as a reason for why rumors about an alleged relationship had developed. I noted that Mr. Diaz had addressed the topic of his sexual orientation both during our investigative discussions, as well as to others before the investigation began. I explained, "in the context of [that topic], you have presented to me details and concerns about Lisa, about the timing of their conversations." He responded in part, "I'm still trying

to figure out how that pertains to like – I'm focused on whether I had a relationship with not. And I didn't. And so having this investigation go through the process of my whole life and opening up all doors about you know my sexual orientation and my – like that's a huge issue and to say that I didn't have – like I shouldn't have to go through this process, I shouldn't have had to go through this process. But now you're putting it out there, cause it's all this – all PR bull."

Potential Cover Stories



did not relay any direct conversations with Mr. Diaz on this topic. However, he also noted that there were rumors about Mr. Diaz and in part because SPD personnel saw Mr. Diaz's vehicle (or one of the security detail's vehicles) parked in the vicinity of the West Precinct and residence, but Mr. Diaz did not enter the Precinct. At some point, Mr. Diaz then stopped parking around the West Precinct where he could have done so without paying for parking, and instead started paying to park in nearby lots, such as at a Whole Foods. found those parking receipts as part of his regular duties in preparing and maintaining the security detail vehicles.
Mr. Diaz said that he parked his vehicle near the West Precinct when he visited the residence, but he also parked near the West Precinct at times that he was not with such as to walk down the street to get dinner without her. He also said there were times when he left his vehicle near the West Precinct because his wife came to pick him up in her car, such as to go pick up tile or lumber for his parents' remodeling project. Mr. Diaz acknowledged that he stopped parking at the West Precinct, in favor of other parking locations, when he felt like his vehicle's location was contributing to rumors about him spending time with
said that Mr. Diaz claimed that workers who were remodeling his parents' bathroom met him at the West Precinct, drove him to Bellevue in their truck, and then dropped him back off in the middle of the night to pick up his car from close to residence. made clear that Mr. Diaz never told him directly that this was a fabrication, and noted that Mr. Diaz was in fact helping his parents with some remodeling work at their house. But he noted that workers picking up Mr. Diaz and dropping him back off in the middle of the night sounded like a story to cover for the fact that Mr. Diaz's vehicle was near residence until late in the night.
Mr. Diaz said that his wife picked him up in their larger family vehicle to go get tile or flooring, that he left his vehicle near the West Precinct, and she later brought him back to pick up his car.
acknowledged that Mr. Diaz provided other reasons for being at residence, which appeared to be genuine. For example, Mr. Diaz helped an employee of the King County Sheriff's Department with a promotional exam process, and met with this individual at building. Mr. Diaz also apparently helped with tasks within her residence, such as hanging pictures and other home improvement-related assistance.
When I asked Mr. Diaz about the broader notion of developing cover stories for why he was spending time with or at her residence, he said, "why do they need to know where I'm at and what I'm doing."

VI. ANALYSIS AND FINDINGS

I analyzed the facts to determine whether the allegations were founded or unfounded under a preponderance of the evidence standard. "Preponderance of the evidence" for purposes of this Report, means that the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative standard, not a quantitative standard.

Based on a preponderance of the evidence provided, I find that Mr. Diaz and an intimate or romantic relationship. The primary evidence which weighed in favor of this finding consisted of the handwritten card, the subsequent handwriting analysis, and the direct statements relayed by the security detail.

Handwritten Card

In evaluating the weight to be given to the handwritten card, I considered the fact that it was clearly and directly addressed to Mr. Diaz. The salutation inside the card was to "Adrian," and the unique initials on the enclosing envelope were his, "AZD." I also considered that the content of the card appeared romantic and intimate in nature, not simply friendly and personal. The reference to Mr. Diaz waking the author like a prince in a Disney movie implied romance. "I hope I always know your kiss" directly referenced physical intimacy. "I hope to always know you and me," and "I love you" also reflected romance and intimacy. The contents of the card also read as if there was a level of existing familiarity and relationship history between the author and the recipient—it did not read as if it was, for example, a first declaration of romantic interest, or an inquiry from the author as to whether the recipient might be open to a romantic overture.

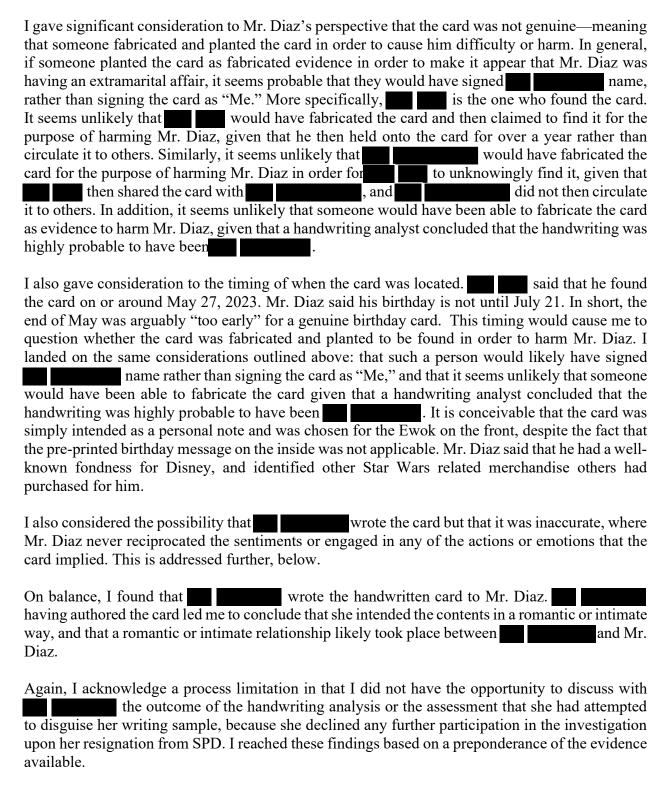
Acknowledging that denied writing the card, I gave considerable weight to the conclusion of the handwriting analyst that it was "highly probable" that was the author of the card.

I considered whether it was feasible for so to have authored the card yet *not* had an intimate or romantic relationship with Mr. Diaz. I found that to be unlikely. Had authored the card but not had an intimate or romantic relationship with Mr. Diaz, being presented with the card would have given her both reason and opportunity to explain why or how their relationship was not intimate or romantic in spite of the existence of the card.

I considered whether it might be feasible for to have authored the card but intended its contents as a joke. I found that to be unlikely, given how upset and/or distraught both she and Mr. Diaz were about the open allegations and rumors of a relationship between them.

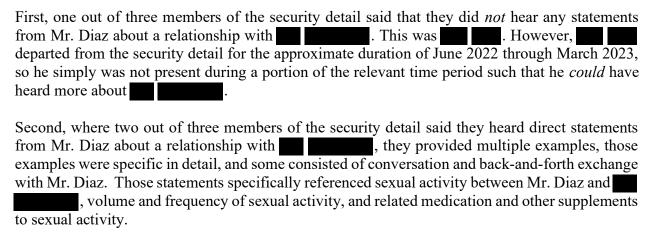
I also gave considerable weight to the handwriting analyst's opinion that attempted to disguise the handwriting sample she was asked to provide after she was presented with the handwritten card and denied writing it. It does not seem reasonable that she would have intentionally disguised her handwriting unless she was concerned that her genuine handwriting would otherwise identify her as the author of the card.

Acknowledging that Mr. Diaz denied any knowledge of the card, I therefore considered the possibility that wrote the card, but that Mr. Diaz never received it. Given that the contents of the card read as if there was a level of existing familiarity and relationship history between the author and the recipient, it was strange that Mr. Diaz said he had no idea who might have had or expressed those sentiments about him. Given that he was the intended recipient of the card, it was also strange that Mr. Diaz said the author of the card never inquired of him if he received it.



Direct Statements About a Relationship

In evaluating the weight to give to the testimony of the members of the security detail about direct statements made by Mr. Diaz, I considered several factors.



I considered the possibility that Mr. Diaz could have made these statements where they were untruthful boasts. This did not seem likely, given that some of the conversations the security detail described were not solely about sexual activity, but were instead about the logistics and practicalities of Mr. Diaz divorcing from his wife, or about use of electronic communications in the best manner to avoid being caught, or about having plausible stories that could withstand scrutiny if questioned about his reasons for spending time at residence. In short, some of Mr. Diaz's statements and discussions about a relationship with were not boastful in nature. Engaging in discussion about how to conceal electronic communications also indicated that Mr. Diaz himself felt he had something to hide.

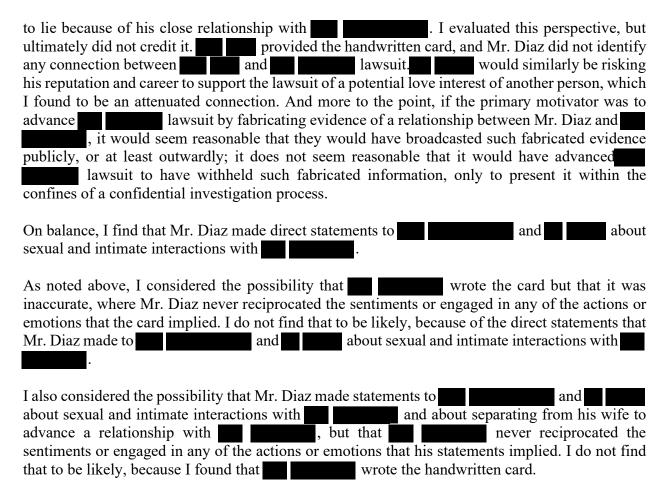
I gave significant consideration to Mr. Diaz's perspective that the members of the security detail fabricated all of this information. I did not find that to be likely. First, they mentioned direct evidence of a relationship in connection with Mr. Diaz's use of his phone and electronic communications. If their testimony was fabricated, it seems unlikely that they would have fabricated something that was verifiable—they would have known that Mr. Diaz could easily rebut those allegations by turning over his phone records, and in fact, they encouraged the investigation to seek his phone records, if possible, for the purpose of verifying allegations and reducing the reliance and resulting pressure on their testimony. Second, in some instances, they tempered some of the information they provided. If their testimony was fabricated, it seems likely that they would have been more insistent on associating those pieces of testimony with said that he was in the car with Mr. Diaz and when he heard the two of them joking about Mr. Diaz seeking a doctor to prescribe him sexual enhancement medication, but he took care to note that he did not specifically hear Mr. Diaz reference during that conversation. As another example, said that Mr. Diaz showed him a partially nude photo of a woman which he understood to be , but he took care to note that the woman's face was not visible in the photo. Furthermore, when I showed photo where tattoo was visible and asked him if it resembled the tattoo in the photo Mr. Diaz showed him, said it looked similar and was able to articulate the reasons it looked similar, but he made clear that he could not tell for sure. If their testimony was fabricated from the start, it seems unlikely that they would have tempered these pieces of their testimony as they did. Third, I noticed how nervous and scared all of the members of the security detail were to participate in the investigation. Demeanor is considered the least reliable of credibility factors, and therefore I place very little weight on it, but I do not base this point on physical appearance or

demeanor during the interview. The members of the security detail *described* fear of retaliation from Mr. Diaz based on his historical behavior, explained that their trepidation came from the fact that their testimony would be easily identifiable and traceable back to them, and suggested that the investigation could seek other sources of information, such as phone records or vehicle data in order to reduce the pressure and potential backlash they expected to experience from providing truthful testimony that would be damaging to Mr. Diaz.

Mr. Diaz argued, and his security detail acknowledged, that when other SPD employees approached them and asked about a potential relationship between Mr. Diaz and on at least some occasions, they responded that there was no truth to the rumors. To the extent that they later disclosed their belief about a relationship within the context of the investigation, Mr. Diaz's argued that they were dishonest in the course of the investigation when they claimed he made statements about a relationship with . My conclusion is that they were honest when they were required to participate and provide factual information in a mandatory investigation, and that they did not share what they knew when approached by others discussing rumors in the Department.

I gave some limited consideration to the way that Mr. Diaz responded to these allegations and referenced the members of his security detail. While I presented Mr. Diaz with the specific topics and statements referenced in this section, I did not always identify the speaker or source of the allegation, other than to tell him that they came from multiple members of his security detail. On his own, Mr. Diaz concluded that the information did not come from incorrect, in the sense that was the individual who found and brought forward the handwritten card. However, it is true that did not hear Mr. Diaz make any direct statements which would reflect a romantic or intimate relationship with . Second, Mr. Diaz's specific framing of this topic was that was not around so " and would be the only conversations[.]" He also said, referring to anyone other than was never mentioned in any of those conversations with any other parts of the detail." Mr. Diaz's wording gave me some pause; while identifying that he did not talk to , it sounded as if he was noting that he *did* talk to about . While it is true that was gone from the security detail about for a portion of the relevant time period, and therefore perhaps Mr. Diaz's wording was in reference only to that absence, returned to the security detail around March 2023. Therefore, the absence from the detail did not, in itself, mean that no information could have and that all the information had to have come from come from and . On the other hand, if Mr. Diaz recalled that he shared information about and did not share information about with and with (which is what all three members of the security detail conveyed), then Mr. Diaz's comments align with his expectations of the probable outcome of the witness' testimony.

I also gave substantial consideration to the motive to falsify information on this topic, across the relevant interviewees. Mr. Diaz offered his perspective about the security detail's motive to falsify information in support of the existence of a romantic or intimate relationship. Mr. Diaz said that was motivated to lie because he was in a personal or intimate relationship with a substantial lawsuit against the City which hinged in part on allegations around Mr. Diaz and

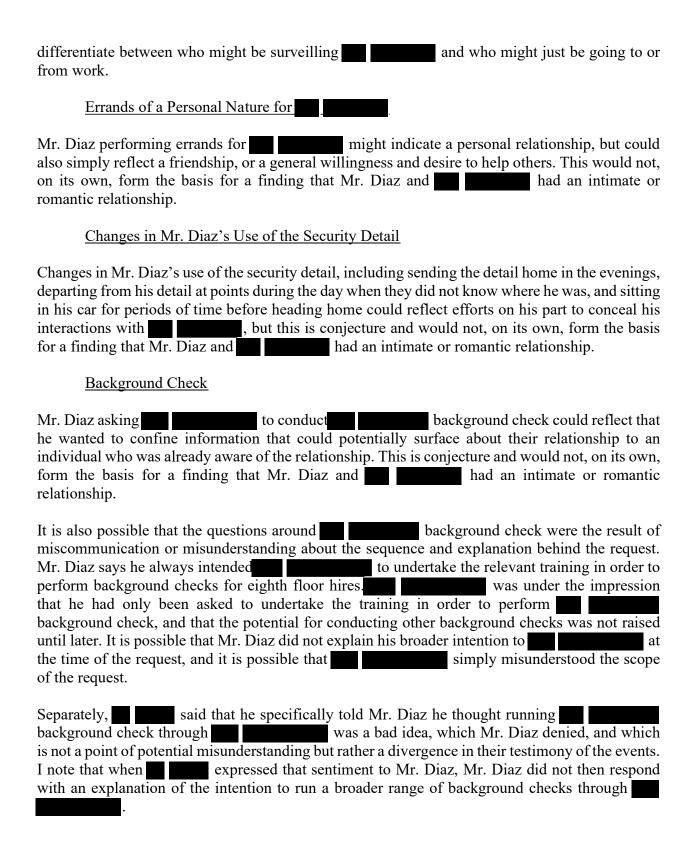


It is also important to note that I did not interview several of the people Mr. Diaz suggested. As an initial matter, it is difficult to conduct interviews for the express purpose of proving a negative; while I could interview people to determine if they had specific knowledge of a romantic or intimate relationship, interviewing people without knowledge for the purpose of generally disproving the existence of a romantic or intimate relationship is not meaningful or helpful. As a result, I did not pursue interviews with people who were noted for the purpose of offering general belief or personal opinion that a romantic or intimate relationship did not take place. Some of the individuals Mr. Diaz offered for interview appeared to be for that purpose. In addition, I did not pursue interviews with individuals who had only conjecture to offer, or who had direct observations to offer but only of interactions that would not have established the existence of absence of an intimate or romantic relationship; doing so would have opened the door to interview anyone who claimed to have seen Mr. Diaz and together socially. Similarly, I did not pursue interviews with people who were noted for the purpose of telling me about the rumors in the Department, as contrasted with people who could potentially speak to a relationship itself. While I understand that the rumors surrounding the relationship were disruptive, harmful, and impactful, both to the subjects of those rumors and to others who were impacted by the environment in the Department, the whisper campaign itself, and those who contributed to it, is a separate matter from whether there was more direct evidence of a relationship itself. Some of the individuals Mr. Diaz offered for interview appeared to be for that purpose.

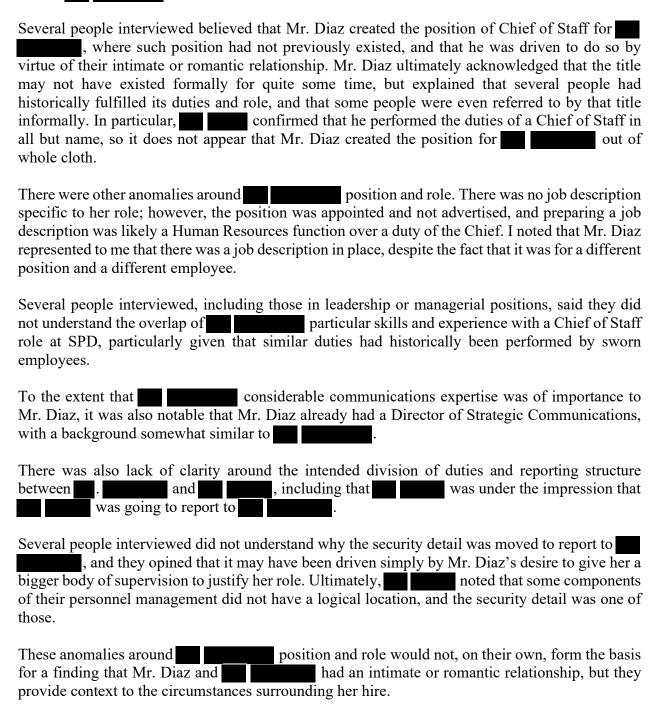
Sexual Orientation

As part of the finding that Mr. Diaz and had an intimate or romantic relationship, it may be relevant to explain how Mr. Diaz's sexual orientation did or did not impact this finding. Mr. Diaz seemed to feel that certain people within SPD and other Departments questioned his sexual orientation and did not believe that he was gay, either based on bias, or on some other negative basis. It appeared to me that some of the disbelief was driven by something else. Members of the security detail did not believe Mr. Diaz, not because he asserted that he was gay, but because he told them directly about engaging in a sexual and intimate relationship with the extent that he told them that being gay meant that he could not have had a sexual or intimate , they may have believed him, if he had not previously told them relationship with that he *did* have a sexual and intimate relationship with Accepting his assertions of his sexual orientation, that is not dispositive of the issue of the relationship. Mr. Diaz is a gay man who at some point was married to a woman and had children. A person may determine that a development in their sexual orientation will result in a shift in their sexual activity and sexual partners; if or when that happens is a matter of personal choice and individual circumstance. **Indirect Information** Other information presented in the course of this investigation was of a more indirect nature than the handwritten card, the handwriting analysis, and the direct statements relayed by the security detail. For the purposes of the analysis, I summarize that information here. Though it does not form the primary basis for the finding that Mr. Diaz and had an intimate or romantic relationship, it provides helpful context. Time Spent Together Both Mr. Diaz and acknowledged spending time together, including dinners to discuss the Chief of Staff position, meeting to help another friend with a promotional exam, meeting to help another friend interested in a communications role at SPD, help with household residence, and countersurveillance. estimated around 17 times they spent time together, and Mr. Diaz estimated around 20 times. While that is not an insubstantial number of times, I would not base a finding of a romantic or intimate relationship simply on the fact that they spent time in each other's company. Instead, I took note of some peculiarities or discrepancies in their explanations of the time spent together. For example, Mr. Diaz said that a portion of their time together was spent in discussion about his sexual orientation; did not mention this at all. mention anything about spending time together in connection with workouts or personal training, and Mr. Diaz addressed it but only after I raised the topic myself. Both of them made a point about Mr. Diaz going to residence to engage in countersurveillance, but when I inquired

further about what such actions were intended to uncover, Mr. Diaz acknowledged that even when he saw SPD employees in the vicinity of her residence, there was not much basis on which to



Position and Role



Additional Notes on Mr. Diaz's Testimony

There were instances, during the course of Mr. Diaz's interviews, where variations arose in his testimony. On the whole, it is not unusual for witnesses to describe events slightly differently with different retellings, as both memory and language can be imperfect and imprecise. Some examples where this occurred with Mr. Diaz include the following:

	he "let Lisa Judge know in December."
	During his first interview, I asked Mr. Diaz if he had phone conversations with and he said "[m]ostly – it would be mostly in-person. A lot of stuff I don't like to communicate by phone." Later in the same interview, he said, "I never was on the phone with during that time." During his second interview, when we were discussing potential text communications with phone call and just meet in person."
•	I asked Mr. Diaz about the security detail waiting to follow him home, while he spent time in his car, after leaving work and before going home, taking personal phone calls; I asked if those personal calls were with and he said, "[i]t could have been work-related calls." Then Mr. Diaz said that he started sending his detail home in the evenings, such that they would not have been around to observe potential after-work calls. I asked Mr. Diaz to focus on the period of time before he started sending his detail his home, and asked again whether he spent time in his car, after leaving work and before going home, taking personal phone calls with the started sending his detail home in the evenings before he met the started sending his car after leaving work and before going home, taking phone calls, those phone calls were not with the started sending home, taking phone calls, those phone calls were not with the started sending home, taking phone calls, those phone calls with the started sending home, parked somewhere, taking personal phone calls with the started sending home, it was for the purpose of determining if someone was following or surveilling him. I then asked Mr. Diaz if there was any period during which he spent time in his car, after leaving work and before going home, taking to send the send the send taking to make the send to anybody. And I'm sure was a part of that conversation, but I – I could have been anybody. And I'm sure was a part of that conversation, but I – I could have been talking to anybody, and sometimes I'm not talking to anybody. I'm just looking
	at my phone and going through emails."

During his first interview, Mr. Diaz said that he spoke with Ms. Judge in generalities about sexual orientation, noting, "[t]hat was around February of [] 2024 ... or maybe January of 2024, around there." During his second interview, when I addressed discrepancies in the timeline of such conversations with _______, Mr. Diaz said, somewhat definitively, that

VII. CONCLUSION

This investigation was limited to fact-finding only, and a recommendation regarding further action or disposition will not be provided. In order to ensure a thorough investigation, the undersigned is available to conduct follow-up as necessary.

Sincerely,

BARRAN LIEBMAN LLP Shayda Z. Le