



CLOSED CASE SUMMARY

ISSUED DATE: MARCH 7, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0289

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 5.001-POL 14. Retaliation is Prohibited.	Not Sustained - Inconclusive

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:

It is alleged NE#1 made a police report to retaliate against her manager.

ADMINISTRATIVE NOTE:

NE#1's alleged misconduct occurred while Parking Enforcement Officers were organized under the Seattle Department of Transportation (SDOT). Since that time, Parking Enforcement Officers were reorganized under the Seattle Police Department (SPD). This DCM was transmitted to NE#1's present chain of command for consideration.

SUMMARY OF INVESTIGATION:

In September 2022, OPA received information that NE#1 accessed West Precinct (WP) areas against supervisory orders. That allegation was investigated under 2022OPA-0288. While investigating 2022OPA-0288, OPA flagged NE#1's possible retaliatory behavior against her manager. OPA opened a separate investigation. This DCM covers that allegation. During its investigation, OPA reviewed a memorandum (dated February 24, 2022), email correspondence, an SPD incident report filed by NE#1, and NE#1's WP prox card activity log. OPA also interviewed seven witness employees (including the manager NE#1 filed the police report against) and NE#1.

a. Document Summary

On February 24, 2022, an SDOT manager (Witness Employee #1 or WE#1) emailed NE#1 workplace expectations and a coaching memorandum. WE#1 documented that she met with NE#1 on November 30, 2021, when WE#1 told NE#1 she was "spending a little too much time at the Seattle Police Department West Precinct" and reminded NE#1 to "stick to your assigned area (East Precinct)." WE#1 also documented that, during the November 30th conversation, NE#1 raised concerns about the East Precinct, causing WE#1 to remind NE#1 she had access to SDOT facilities for breaks. WE#1 also documented that NE#1's constant presence at WP reportedly distracted SPD officers from their jobs and made them uncomfortable. WE#1 wrote that NE#1's key card access showed NE#1 accessed WP almost daily and on



multiple occasions during the first hour of her shift. Specifically, WE#1 documented NE#1 accessed WP 143 times from November 26, 2021, to February 3, 2022. WE#1 instructed NE#1 she was only allowed to access the lobby, restrooms, and lunchroom at WP. WE#1 told NE#1 she was expected to stay away from restricted areas, particularly WP's write-up room. WE#1 noted, if NE#1 needed computer access, she should use shared computers at Park 90/5 or SDOT facilities. NE#1 signed and dated the memorandum on February 24, 2022.

In early April 2022, NE#1 emailed the subject, another SDOT manager, alleging four individuals, including WE#1, were "hostile" with her. WE#1 was notified about the allegation. WE#1 responded to SDOT's director (Witness Employee #2 or WE#2) about the allegation: "[NE#1] has already defied what the coaching memo said as I've talked to the Assistant Captain at the West Precinct and [NE#1]'s been seen there at times when she wasn't supposed to be there, and areas prohibited."

On May 6, 2022, a WP SPD officer (Witness Employee #3 or WE#3) emailed NE#1's direct supervisor (Witness Employee #4 or WE#4). That email stated NE#1 was at WP for several hours almost daily, "mostly sitting near the clerk's desk or the lunchroom but not eating lunch." WE#3 wrote he observed her walk towards the write-up room several times, look around and return to the clerk's office. WE#3 wrote several officers described NE#1 as a "nuisance" who made some officers "uncomfortable."

On May 9, 2022, the WP captain (Witness Employee #5 or WE#5) emailed WE#1. WE#5 wrote:

I have noticed [NE#1] spending a lot of time sitting at the front clerk's desk at the West Precinct. What has me really concerned is that she was seen looking around inside a detective's office while he was away.

On May 18, 2022, NE#1 emailed WE#4 asking:

Can you take away my Prox card¹ access from the West Precinct due to false allegations from SPD Supervisory personal [sic][?]

WE#4 replied that same day, stating:

To summarize our conversation today you are to Stay out of the West Precinct until further notice.

On July 21, 2022, WE#5 emailed the subject stating NE#1 was again "in [WP's] officer write-up area today." WE#5 had NE#1's prox card access checked. WE#5 summarized NE#1's prox card access to WP from January 1, 2022, to July 21, 2022. From January 1 through May 6, NE#1 accessed WP about 192 times over 61 days. On May 9, 2022, NE#1 accessed WP four times (that was the same day WE#5 emailed WE#1 about NE#1). From May 10, 2022, through May 18, 2022, NE#1 accessed WP about 11 times over six days. On June 29, 2022, NE#1 accessed WP at 7:23 PM. From June 29, 2022, through July 21, 2022, NE#1 accessed WP about nine times over seven days.

On July 21, 2022, an SDOT manager (Witness Employee #6 or WE#6) emailed NE#1 documenting a conversation with NE#1 earlier that day. WE#6 wrote:

¹ SPD building access cards are referred to as "prox" cards or "procs" cards.



This email is to summarize the conversation we had today, 07-21-22, at about 1650 hours. [The subject] asked that I speak with you since he wasn't at the office today. I informed you that [the subject] received a call from Captain [WE#5] who stated that you were seen at West Precinct recently. This was after [the subject] stated that he directed you not to go to the West Precinct. I informed you that your visits to the precinct ends today and that there will be an investigation. You questioned why other PEOs are still allowed to go to the West Precinct. You also expressed to me that you would like the directive instructing you not to go to the West Precinct to be put in writing, and that if management has anything further to say to you, they can talk to your attorney. If there is anything that you would like to add to this summary, please let me know.

On August 18, 2022, NE#1 filed a police report alleging the subject harassed and stalked her. NE#1's allegation principally concerned the subject's involvement in counseling NE#1 about accessing WP. NE#1 also alleged the subject had her written up for improperly entering a city vehicle facility. NE#1 believed she was "singled out," "targeted," and that management restricted her "bathroom usage."

On September 7, 2022, NE#1 emailed a human resources representative requesting a transfer due to WE#1 and the subject's "harassment and menacing behavior."

b. OPA Interviews – Witness Employees

WE#1 was interviewed but declined to have it recorded. Instead, WE#1 spoke to OPA by phone and later confirmed the substance of the conversation by email. WE#1 stated, in November 2021, she learned of complaints about NE#1 frequenting WP. At that time, WE#1 oversaw PEOs. WE#1 recalled, on November 30, 2021, she told NE#1 to stay within her assigned area and, if she were concerned about the East Precinct, she had access to SDOT facilities. WE#1 stated she continued to receive complaints about NE#1, so she requested NE#1's prox card information. WE#1 stated she learned NE#1 accessed WP 143 times between November 26, 2021, and February 3, 2022. WE#1 also said she learned NE#1 entered WP at 9:30 AM some days when her shift began at 9:00 AM. WE#1 said, on February 24, 2022, she met with NE#1 and WE#4. WE#1 recalled presenting NE#1 with a formal coaching memo that day, which NE#1 acknowledged and signed.

In February 2022, the subject recalled another complaint about NE#1. WE#1 met with NE#1, instructed her to stay in her assigned area (the east district), and issued a coaching and counseling memorandum. The subject stated the PEO office received numerous complaints about NE#1 accessing WP and, on May 18, 2022, WE#4 instructed NE#1 to stay out of WP. The subject said WE#6 reissued that instruction to NE#1 on July 21, 2022. The subject also described PEOs' supervisory structure under SDOT. The subject stated there were two operations managers (WE#1 and himself.) The subject stated he and WE#1 supervised several PEO supervisors, whom each oversaw a squad. The subject stated the parking enforcement director oversaw the parking enforcement operation. The subject stated he, WE#4, and WE#6 separately ordered NE#1 not to enter WP. The subject also addressed seeing a vehicle improperly enter a city vehicle facility through an exit gate. The subject stated he later saw NE#1 was the driver. The subject characterized NE#1's police report against him as retaliatory for attempting to hold NE#1 accountable.



OPA also interviewed WE#2. That interview was not recorded, but WE#2 confirmed the substance of the interview by email. WE#2 was the SDOT director, who oversaw the parking enforcement program. WE#2 stated he did not issue a directive concerning NE#1, as WE#1 and the subject had that authority. However, WE#2 stated WE#1, and the subject's orders were screened with him.

WE#3 was a WP SPD officer. WE#3 explained an email he sent WE#4 following their conversation. WE#3 stated that the conversation with WE#4 concerned NE#1's frequent visits to WP. WE#3 stated, at the end of the conversation, WE#4 asked him to follow up by email, which WE#3 did. WE#3 stated he thought PEOs were to only use bathrooms and the lunchroom, but NE#1 was "hanging out several hours a day," talking to police officers while they worked, or hanging out in the write-up room. WE#3 stated other PEOs used the restroom or lunchroom and were "usually quick in and out." WE#3 stated, "several officers" reported NE#1 will "try to bother you when you're working" or "ask for phone numbers... so she could text them or whatnot." WE#3 believed other officers raised concerns about NE#1 with him because he was previously assigned to the Traffic Section.

WE#4 stated he was NE#1's direct supervisor. WE#4 stated he met with NE#1 and WE#1 after the initial complaint concerning NE#1's presence at WP. At that meeting, NE#1 was only told to "stay out of [WP's] sensitive areas and you can eat your lunch there." WE#4 further stated NE#1 was told to limit her WP visits to the "bathroom and the lunchroom." WE#4 stated he followed up with NE#1 to personally reiterate that instruction. However, WE#4 stated thereafter a complaint from WP's captain alleged NE#1 entered an SPD employee's "office or something." WE#4 stated he followed up with NE#1 about it and she reported entering the office of a sergeant who "apparently, he had a candy dish on his desk and told her feel free to come in and get candy whenever you feel like it. That was her explanation." WE#4 stated he again told NE#1 to restrict her WP visits to the restroom and lunchroom. WE#4 stated NE#1 agitatedly replied, "deny my access then." WE#4 said he asked NE#1 to email a request to have her prox card access to WP restricted. WE#4 stated NE#1 made the request, which he forwarded. WE#4 also characterized his May 18, 2022, email telling NE#1 to "stay out of the West Precinct," as a suggestion rather than an order. WE#4 stated NE#1 was only ordered to restrict her WP visits to the bathroom and lunchroom. WE#4 denied knowledge of a blanket order for NE#1 to stay out of WP.

WE#5 was WP's captain. WE#5 stated his staff reported NE#1 was "kind of bothersome... and disrupting their workspace." WE#5 explained he was told NE#1 sat near the front clerk's desk, "I think several hours throughout the day," and was found in WP areas restricted to sworn employees. WE#5 stated when he heard NE#1 was in a detective's office "going through his things on his desk," he emailed WE#1. WE#5 said that detective reported NE#1 would "come in and sit down and disrupt his work." He also characterized NE#1's unaccompanied presence in his office as "inappropriate and unexpected." WE#5 recalled at one point NE#1 was restricted to WP bathrooms and lunchrooms, but she was eventually banned from the building altogether.

WE#6 stated he knew of prior complaints about NE#1 hanging out at WP or SPD headquarters, despite her East Precinct assignment. However, WE#6 stated this was originally just "information" he would relay to NE#1's former supervisor because NE#1 had a history of going out of her district for breaks or "hanging out." WE#6 stated, when PEOs transferred to SDOT, SDOT management "decided they were going to put an end to it." WE#6 recalled his July 21, 2022, email to NE#1 and their conversation later that day. WE#6 stated the subject told him to speak with NE#1 that same day "to make sure that [NE#1] understood that her visiting the West Precinct was to end that specific day." WE#6 verbally issued that order to NE#1. WE#6 understood the order to have no "wiggle room" and as an order not



to enter WP “at all.” WE#6 stated NE#1 acknowledged the order. WE#6 stated his email’s reference to the subject previously banning NE#1 from WP was based on second-hand information from the subject.

c. OPA Interview – Named Employee #1

NE#1 responded to the allegations in the classification notice by stating “I had to use the bathroom... I drink a lot of water. I was just going to the bathroom. Sometimes I go once or twice a day. Sometimes more.”

NE#1 characterized WE#1’s February 24, 2022, coaching memo as “she just told me to stay out in the field and that I can’t use the bathroom.” NE#1 also stated WE#1 “didn’t even investigate” or “get my side of the story.” Further, NE#1 stated she was unaware the February 24, 2022, memo restricted her WP visits.

NE#1 stated a preference for WP because the East Precinct was “barricaded” and “still kind of fenced up.” NE#1 said ongoing protests also made her uncomfortable at the East Precinct. NE#1 also stated Park 90/5 was inconvenient because it was much farther away than WP.

NE#1 stated, after the February 2022 meeting, she continued to use WP for the bathroom, lunch, and checking her work email.

NE#1 stated, when she was found unaccompanied in a WP detective’s office, she was looking at movie posters and getting candy out a drawer, which the detective authorized her to do.

NE#1 stated, after her May 18, 2022, conversation with WE#4, she understood she was ordered to stay out of WP. NE#1 admitted she returned to WP thereafter to use the restroom. NE#1 explained each instance that her prox card records showed she accessed WP after May 18, 2022, was “to use the bathroom.” In response to WE#5’s July 21, 2022, email to the subject about her being in WP’s write-up room, NE#1 stated she was “checking my email and printing out my post assignments.” NE#1 admitted those tasks did not have to occur at WP. NE#1 stated, despite the February 2022 counseling memo explicitly restricting her from the write-up room, she “didn’t think it was necessary to drive all the way back to Park 90/5 to make a, make the trip down there just to look at my email or print something from there. I just thought I’d do it quicker at the West Precinct.” NE#1 further stated her managers “weren’t really being specific... they weren’t explaining why I was restricted or why I couldn’t go there. Why I couldn’t go to the West Precinct. They didn’t give me any reasons.” NE#1 believed her supervisors were required to justify their orders.

NE#1 recalled, on July 21, 2022, WE#6 ordered her to stay away from WP. NE#1 denied returning to WP thereafter. NE#1 also stated the subject’s reported August 18, 2022, monitoring of her led NE#1 to believe he stalked and harassed her. Specifically, NE#1 stated her direct supervisor told her the subject saw her improperly enter through an exit gate at a city vehicle facility and ordered her written up. She stated that incident, along with the subject reportedly revoking her access to other precincts and city buildings, caused her to question:

Why was [the subject] following me around in my, you know, while I was working and why did he want to – or why did he – why is it such a – why was it such a big deal that I went in the gate the wrong way? Why—you know, why was he following me around?

NE#1 stated she thought the subject intended to intimidate her. That same day, NE#1 made a police report against the subject for stalking and harassment.



ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 5.001-POL 14. Retaliation is Prohibited.

It is alleged NE#1 made a police report to retaliate against her manager.

No employee will retaliate against any person who “[e]xercises a constitutional right” or “[o]therwise engages in lawful behavior.” SPD Policy 5.001-POL-14. Retaliation includes an adverse action against any person. *Id.* This prohibition will include any interference with the conduct of an administrative, civil, or criminal investigation. *Id.*

Here, there is no evidence the subject stalked or harassed NE#1. Further, there is no evidence the subject acted criminally or in any way to reasonably justify NE#1 making a police report against him. Instead, the overwhelming evidence shows the subject, along with several other supervisors, simply sought to hold NE#1 accountable for violating policy and directives. For that reason, the most obvious explanation suggests NE#1 made the police report against the subject in retaliation, particularly when it was made around an hour after the subject ordered NE#1’s discipline for improperly entering a city vehicle facility. However, there is insufficient evidence to conclude NE#1 was motivated by vengeance rather than wholly misunderstanding what constitutes criminal stalking and harassment. Overall, although her police report was legally meritless, OPA notes she is not a legal professional but was nevertheless completely off base.

Accordingly, OPA recommends this allegation be Not Sustained - Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**