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**Issued Date:** APRIL 26, 2024

**From:** Director Gino Betts, Jr.  
Office of Police Accountability

**Case Number:** 2023OPA-0539

## **Allegations of Misconduct & Director's Findings**

### **Named Employee #1**

1. **Allegation #1:** 5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional  
**Finding:** Not Sustained - Unfounded
2. **Allegation #2:** 5.001-POL 11. Employees Will Be Truthful and Complete in All Communication  
**Finding:** Not Sustained - Unfounded
3. **Allegation #3:** 5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer  
**Finding:** Not Sustained - Unfounded
4. **Allegation #4:** 4.040 - Sick Leave, 4.040-POL-9 Employees Will Use Earned Sick Leave for a Medical Absence  
**Finding:** Not Sustained - Inconclusive

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**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:**

The Complainant alleged that Named Employee #1 (NE#1) was unprofessional, untruthful, insubordinate, and violated the department's sick leave policy.

### **Administrative Note:**

On April 16, 2024, the Office of Inspector General certified this investigation as thorough, timely, and objective.

**Summary of Investigation:**

The Complainant—an SPD Public Affairs Unit supervisor—filed an OPA complaint alleging that NE#1 was disrespectful, disruptive, dishonest concerning her timesheet, insubordinate, and used sick leave inappropriately.

OPA opened an investigation, reviewing the OPA complaint, a memorandum of expectations, email correspondence, text messages, and SPD's Performance Appraisal System (PAS) entries. OPA also interviewed the Complainant, Witness Employee #1 (WE#1), and NE#1.

***OPA Complaint***

The OPA complaint, submitted on December 18, 2023, alleged the following:

Starting in March 2023, NE#1 grew "repeatedly insubordinate," noting NE#1's tendency to undermine the Complainant's authority by reporting her disagreement with the Complainant's orders to the Complainant's supervisors. The Complainant suggested that NE#1 "delayed" responding to orders she disagreed with, negatively impacting their time-sensitive work. The Complainant stated that despite orders to adhere to or acknowledge receipt of his emailed directives "in a timely fashion," NE#1 would "go hours without responding."

The Complainant noted three instances of NE#1's allegedly persistent insubordination. First, NE#1 failed to submit a required form to reflect her overtime shift promptly. Second, despite the Complainant's restriction against communicating with the Mayor's Office without approval, NE#1 "responded to an email" from the Mayor's Office. Third, despite the Complainant directing NE#1 to "stand down" on a project, NE#1 twice raised the project with the Complainant's supervisor (Civilian #1).

The Complainant worked with SPD's Human Resources Section (SPDHR) to address NE#1's behavior, but the third incident "put it over the top." Later, NE#1 apologized to the Complainant for jumping the chain of command. The Complainant told NE#1 it constituted insubordination, and NE#1 said, "she understood."

NE#1 asked to meet with the Complainant and Civilian #1 on "how to get guidance with meeting our expectations and to improve communications." A meeting was held on December 7. The meeting was attended by NE#1, the Complainant, Civilian #1, and an SPD HR employee (Witness Employee #1 or WE#1). At the meeting, the group discussed a memorandum of expectations (MOE), which the Complainant included with his OPA complaint. The Complainant noted not every incident was documented in the MOE, such as the third incident mentioned above. The Complainant wrote, "There were many verbal warnings before I started noting them." At the meeting, NE#1 acknowledged being insubordinate, explaining she "gets so busy and moves so fast that she forgets to follow my instructions." NE#1 attributed her mistreatment of other members of the unit to stress.

The Complainant referenced another incident, detailed in the MOE, where the Complainant messaged NE#1 to post something to the SPD Blotter without getting input from an involved unit.

The Blotter is an online newsfeed run by SPD's Public Affairs Unit. It contains posts concerning SPD activities for public consumption. See SPD Blotter, available at [www.spdblotter.seattle.gov](http://www.spdblotter.seattle.gov). NE#1 did not respond or heed that order. "Sometime later," the Complainant called NE#1 to confirm she received his message. NE#1 acknowledged receipt of the message but said she was "busy answering inquiries." The Complainant told NE#1 that his directives "take priority over inquiries." "[A] little while later," NE#1 sent the Complainant an edited version of the blotter post that included input from the involved unit, arguing that her revision was better.

During the December 7th meeting, WE#1 told NE#1 that responding to the Complainant "takes priority over everything." NE#1 was told to respond to the Complainant "immediately" during working hours.

The Complainant stated that on December 15th, when the Complainant was out of town, NE#1 sought his approval to post to the blotter. The Complainant emailed NE#1 saying, "Hold off posting," but NE#1 did not respond. The Complainant stated he waited an hour and a half before texting NE#1 to confirm she received his order. The Complainant immediately replied, "Message received," and "sent you a response." The Complainant characterized NE#1's delayed response as insubordination.

### ***Memorandum of Expectations***

Civilian #1 and the Complainant sent NE#1 a memorandum of expectations (MOE) dated December 7, 2023. The MOE outlined their expectations and instances when NE#1 did not meet them. It also provided NE#1 with an opportunity to improve.

The MOE noted the following concerns about NE#1's performance:

### **SPD Policy 5.001 – Standards and Duties**

- Coworkers described NE#1 as pushy, demeaning, argumentative, and loud, and the Complainant concurred.
- Dispatchers complained that NE#1 called them for things outside the scope of their duties. The Complainant wrote that NE#1 was argumentative and defensive when confronted with the complaint.
- NE#1 criticized a co-worker's post and argued with the Complainant about it.
- NE#1 argued with the Complainant about an overtime shift. When another employee chimed in, NE#1 exclaimed, "I am not talking to you!"
- During a meeting, in response to a colleague's comment to the Complainant, NE#1 angrily said, "That statement was a swing at me. I am not going to stand here and take this," and stormed off.

### **SPD Policy 1.020 – Chain of Command**

- On 04/9/23, NE#1 posted to the blotter without supervisor approval despite prior admonishments.
- On 04/10/23, for the third time, the Complainant counseled NE#1 on the importance of following orders and the chain of command.

- On 07/15/2023, NE#1 told the Complainant, “Just a reminder, I am doing a recruiting video on 07/17/2023 and 07/19/2023 during work hours for the video unit.” NE#1 then planned to do recruiting videos during regular working hours without obtaining permission from her supervisor.
- In August 2023, the Complainant assigned Public Affairs Officer #1 (PAO#1) to work a Harbor Unit incident. NE#1 attempted to re-assign that incident to herself. The Complainant emailed PAO#1, copying NE#1, to instruct PAO#1 to work on the project. NE#1 responded, saying she would cover it. The Complainant responded, “I want [PAO#1] to handle this assignment.” NE#1 then texted the Complainant, stating, “Hi [lieutenant], sorry I had spoken to [other officers] about the incident... [I] didn’t realize you assigned it to [PAO#1].” The Complainant responded, “I want [PAO#1] to take care of it.”
- The week of 10/14/2023, the Complainant instructed NE#1 to fill out an event form anytime she worked an event and that her time worked had to be entered by a supervisor. The Complainant noted the following instances of NE#1 failing to complete an event form:
  - On 10/21/2023, NE#1 worked an event but did not sign the event form (as did other employees). Instead, NE#1 asked a supervisor to enter her time.
  - On 10/21/2023, NE#1 worked two events, did not complete an event form, and failed to have a supervisor enter her time.
- During a unit meeting, staff were told not to correspond with the Mayor’s Office without approval. On 10/19/23, NE#1 emailed a Mayor’s Office employee without approval. NE#1 advised the Mayor’s Office that she would speak with the chain of command about “joint messaging” on a topic, but SPD did not intend to participate in joint press messaging. NE#1 had done similar things before.
- Multiple times in 2023, NE#1 was told to get permission from the Complainant before corresponding with lieutenants or above on Public Affairs Unit business. On the following dates, NE#1 corresponded with lieutenants or above without approval:
  - On 10/06/2023, NE#1 sent a blotter post to Lieutenant #1. An hour prior, the Complainant told NE#1 not to send the post to Lieutenant #1 but to a sergeant.
  - On 10/26/23, NE#1 sent an email to Lieutenant #2 requesting “an ask” of another unit. The Complainant did not authorize the request, which confused Lieutenant #2.
  - On 08/12/2023, NE#1 communicated with officers who work for Lieutenant #3 about her frustrations with the Complainant not posting a video she worked on about the officers’ unit. The officers talked to Lieutenant #3 to have him speak to the Complainant. Lieutenant #3 called the Complainant saying he was disappointed that the video about his unit was not posted. The Complainant explained that the decision was based on issues with the Video Unit. Lieutenant #3 said there was a rumor about a conflict between NE#1 and the Complainant. Lieutenant #3 offered to help quell the rumor.
- On 11/29/2023, SPOC emailed the Complainant (with public affairs copied) asking who would be working the protest on 12/02/2023 and who would work the protests for the rest of the month. The Complainant responded he would work the protest with NE#1. On 11/30/2023, NE#1 told the Complainant that she told SPOC that PAO#1 would be

working the 12/02/2023 protest. It was outside NE#1's authority to schedule work assignments and/or respond on the Complainant's behalf.

#### **SPD Policy 4.040 – Sick Leave**

- On 07/14/2023, NE#1 told the Complainant she would work that night off-duty at a club and call in sick on 07/15/2023, a date NE#1 had been drafted to work. The Complainant told NE#1 this would be a policy violation. NE#1 worked on 07/15/2023.
- On 07/17/2023 and 07/18/2023, NE#1 called in sick after being told not to work off duty and called in sick the next day.
- On 11/09/2023, the day before her scheduled vacation, NE#1 called in sick.

The MOE also stated that NE#1 would be trained and assigned a mentor. It also stated that three follow-up meetings would be held with NE#1. In closing, the MOE stated: "We are optimistic that you will use this memorandum, in conjunction with the training and mentoring to be provided, to improve and meet expectations so that further action will not be necessary." The lines for NE#1 to sign and date the MOE were blank.

#### ***Email Correspondence***

OPA searched SPD email accounts, identifying relevant emails from five dates in December 2023.

On December 4th, NE#1 emailed the Complainant a media post for approval. It concerned a traffic stop with a firearmsrelated arrest (hereafter "Firearm Post").

On December 6th, NE#1 emailed the Complainant for approval to amend the draft Firearm Post. That same day, Civilian #1 emailed NE#1, stating that the Complainant advised her that NE#1 requested a meeting concerning expectations and growth opportunities, which Civilian #1 scheduled.

On December 7th, the Complainant responded to NE#1's December 6th email with instructions to edit specific words in the Firearm Post.

On December 8th, WE#1 emailed NE#1, copying the Complainant and Civilian #1. WE#1 requested NE#1 sign the attached MOE, noting this step was forgotten during the December 7th meeting. WE#1 also asked NE#1 to let her know when she contacted her assigned mentor. WE#1 said she requested NE#1 be added to the upcoming training.

On December 15th, there was a lengthy email exchange:

- 8:57 AM: NE#1 wrote WE#1, copying the Complainant, Civilian #1, and their union representative.
  - NE#1 said she would not participate further without union representation.
- 9:25 AM: NE#1 emailed the Complainant.

- NE#1 changed the wording of the Firearm Post to align with the Complainant's December 7th edits.
- NE#1 wrote, "Let me know if this is good to post. Thank you."
- 9:38 AM: WE#1 wrote NE#1
  - WE#1 asked NE#1 if she intended to participate in the mentoring or training.
  - WE#1 advised NE#1 that if she chose not to participate, these portions would be canceled, but NE#1 would still be required to follow the expectations outlined in the MOE.
- 9:53 AM: NE#1's union representative wrote WE#1, copying NE#1, the Complainant, Civilian #1, the union, and SPD's HR Director
  - A union representative stated that the December 7th meeting was improper since a union representative should have been present. The union representative requested a meeting before NE#1 participated in the mentoring plan.
- 10:33 AM:
  - The Complainant texted NE#1 to "hold off" on posting the Firearm Post
- 10:43 AM: WE#1 wrote NE#1's union representative, copying NE#1, the Complainant, Civilian #1, the union, and SPD's HR Director
  - WE#1 expressed a willingness to meet, noting there was no performance plan in place, and explained that NE#1 requested the meeting with her chain of command.
  - WE#1 wrote that "some performance concerns could have resulted in a report to OPA," but instead, NE#1's chain of command "opted to honor her request to meet and forego any report to OPA."
  - WE#1 wrote that NE#1 was told the mentoring and training referenced in the MOE were "not compulsory," and NE#1 had since indicated she did not want to participate.
- 12:04 PM: NE#1 wrote the Complainant
  - NE#1 wrote "message received" in response to the Complainant's message to "hold off" posting the Firearm Post. As noted in the "Text Messages" section below, NE#1's email appeared to have been sent about one minute after this text exchange between the Complainant (green text bubbles) and NE#1 (gray text bubbles)
- 1:01 PM: WE#1 wrote the Complainant, copying Civilian #1
  - WE#1 explained that NE#1's union was unaware that NE#1 requested the meeting



- WE#1 advised: "Once the decision was made to execute an expectations memo, it included a decision to forego the OPA option for these past violations. Any new

violations after 12/07/2023 can be referred to OPA as [NE#1] was so advised during our meeting.”

- WE#1 noted NE#1’s signature on the MOE was “not required.”

### **Text Messages**

The Complainant gave OPA twenty-nine pages of text messages between himself and NE#1. The following included the dates they were sent or, if not, appeared chronologically, as noted below.

- **March 7– Group text chain between Complainant, NE#1, and Civilian #2**

- 7:38 AM – NE#1: [in relevant part] At this point, should we have her submit a PDR since we’ve been more than accommodating with this request from the beginning[?]
- 7:38 AM – Civilian #2: Isn’t that what you provided yesterday?

Civilian #2 refers to a former employee who previously supervised the Complainant and was two levels above NE#1.

- **March 7 – Text Chain between Complainant and NE#1**

- 7:41 AM – Complainant: ??? I thought we already discussed this last night?
- 7:41 AM – NE#1: I’m just looping [Civilian #2] in o
- 7:43 AM – Complainant: OK...I’m not sure what’s happening right now, and I’m trying to keep my cool. I’m confused as to why after I instructed you to PDR it, you would go over me and ask [Civilian #2] the same question
- 7:43 AM – NE#1: That wasn’t my intention
- 7:48 AM – NE#1: Sent the email. Didn’t mean to upset you.

- **April 4 – Text Chain between Complainant and NE#1**

- 3:58 PM – NE#1: [Coworker] sent you a luring post for review
- 4:03 PM – NE#1: [Sergeant] signed off on the luring post
- 4:09 PM – NE#1: Hi[,] am I [supposed] to keep driving the other car?
- 4:50 PM – Complainant: Chain of command
- 4:52 PM – NE#1: Talk?
- 4:54 PM – Complainant: I will when I can
- 5:02 PM – NE#1: Hi no need for the phone call. [Civilian #2] called to explain. Thank you.
- 5:04 PM – Complainant: Please be aware. I don’t like when you go around me to [Civilian #2]. I have seen that happen twice since I sat down and showed you policy. Please adhere to policy and go through me before you contact anyone above me. Thank you.
- 5:06 PM – NE#1: Understood

- **April 7 – Text Chain between Complainant and NE#1**

- 7:35 PM – NE#1: [in relevant part] I later learned it may have been due to ACCESS being down. I called the Chief Dispatch to inquire. The conversation was brief with CSCC and they referred me to DATA.

- 7:40 PM – Complainant: For stuff like this... Always try DATA first. If they are not on duty then you can try dispatch
- 7:45 PM – NE#1: Of course. Understood. Just know I spoke with DATA about the inquiry not CSCC.
- 7:47 PM – NE#1: [image that appears to be a screenshot of a mostly blank page]
- 7:58 PM – NE#1: Also, just tried the Comm Center Contacts that was suggested. Its completely blank.
- 8:00 PM – Complainant: I get it, but you called CSCC first. It's like I said, there are things I agree with them, however a ton of things that need to be addressed that they do. We have to be diligent in only calling them when necessary and not when we are shopping for info unless otherwise directed to do so.
- 8:00 PM – NE#1: Yes I said understood.
- 8:01 PM – Complainant: Yes.. but it seems like you're also trying to justify your actions. I'll handle the rest and let you know.
- 8:06 PM – NE#1: I was just informing you of what occurred so you have the full picture.
- **April 12 – Text Chain between Complainant and NE#1**
  - 12:19 AM – Complainant: I'll explain tomorrow..... however, let's keep it simple. At night and weekends the only time I want you responding to media inquiries if it's regarding something that you are responding to the scene. If you're not responding, please don't respond to emails and phone calls involving incidents when you are on call. Again I'll explain what happened to me a few days ago tomorrow.
  - 7:58 AM – Complainant: Why didn't you respond to this text acknowledging you received it?
  - 8:00 AM – NE#1: Oh yes sorry. I received your messaged [sic]. Got side tracked with my [medical issue].
  - 8:01 AM – NE#1: Still having [medical issue] this morning
  - 8:25 AM – NE#1: [discussing how medical issue "crippled me last night"] Again apologize for not responding to your message.
- **June 18 – Text Chain between Complainant and NE#1**
  - 8:01-8:15 PM – NE#1: [two texts providing information concerning shooting with two victims]
  - 8:16 PM – NE#1: Question if I should respond?
  - 8:19 PM – NE#1: [text providing more information about shooting]
  - 8:23 PM – NE#1: Update: no follow up unit responding. Patrol cleared scene minutes after I received the page. Don't know why the page came out so late.
  - 8:33 PM – NE#1: Sorry Sgt I did not respond. I've never had patrol clear so quickly as soon as the page went out. I'll take responsibility for any negative ramifications.
  - 10:15 PM – Complainant: It's an automatic response is mandatory if more than one person is shot whether or not the follow-up unit is responding. That is written in the unit expectations. This is exactly the straw that broke the camel's back when the Chief found out a previous PIO did not respond when more than one person was shot. As soon as the page comes out, PIO's should be getting in their vehicles and responding not waiting for a response from the on scene Sgt. If the scene is clear,



then a response to the hospital is appropriate. The main concern I have is that in this current climate, the lack of a PIO response is EXTREMELY problematic.

- 10:20 PM – NE#1: I understand. I apologize again.
- **August 4 – Text Chain between Complainant and NE#1**
  - 7:30-7:41 AM – NE#1: [NE#1 sent four text messages discussing a body found at recycling center; NE#1 noted she sent a message to PAO#1 that a response to the scene was not needed, but to keep incident “on your radar”]
  - 9:07 AM – Complainant: Going forward. If you or [PAO#1] are on call, it is expected that you respond to callouts up to the time that you’re not on call. In this case I believe it was 8 or 8:30am. The found body was brought up in command and I didn’t have a pio that responded. Dumping the work on [PAO#1] is 100 percent unfair.
  - 9:09 AM – NE#1: Copy
  - 9:21 AM – NE#1: I apologize I was under the impression I didn’t need to respond.
  - 9:22 AM – NE#1: And per your advisement to send a message to [PAO#1] about the call so it was on his radar for a post later today
  - 9:27 AM – Complainant: A body found at recycling center with suspected foul play and homicide responding is certainly suspect something we respond to. You called and said you had a [medical appointment] which falls under medical and I can’t deny you. That’s why I had to come up with an alternative plan. That said scheduling an appointment so close to the end of your on call shift hoping and then leaving the unit without anyone to respond is a detriment to the unit.
  - 9:31 AM – Complainant: There is expectations in this unit that I expect. One of them is being responsible for call outs when you are on call per guild contract. You slept through a call out yesterday and then there is today. I expect better.
  - 9:47 AM – NE#1: Message received
- **August 11 – Text Chain between Complainant and NE#1**
  - 11:13 AM – Complainant: Did you copy my email?
  - 11:49 AM – NE#1: Hello changed a bit of the information regarding the complications.
  - 12:09 PM – Complainant: ?
  - 12:10 PM – NE#1: [sent image that appears to be several paragraphs of text]
  - 12:11 PM – Complainant: I don’t like the change
  - 12:12 PM – NE#1: Its more accurate of what happened
  - 12:13 PM – Complainant: Hold off posting. We will revisit another time. I just don’t like how it sounds.
  - 12:18 PM – NE#1: Really? Change it to [draft sentence] does that help?
  - 12:21 PM – Complainant: Yes.. there is no rush on this. Let’s hold off posting. There is a reason.
  - 12:21 PM – NE#1: Ok copy
- **September 27 – Text Chain between Complainant and NE#1**
  - 12:44-12:59 PM [Complainant and NE#1 discuss correct pay rate to enter on timesheet]
- **October 6 – Text Chain between Complainant and NE#1**

- 2:57 PM – NE#1: [Lieutenant #1] approved luring post. Taken care of it now
- 2:58 PM – Complainant: Did you send her an email?
- 2:59 PM – NE#1: Yes
- 3:00 PM – NE#1: Thought you said to send her an email
- 3:00 PM – NE#1: Sorry if I remembered incorrectly
- 3:01 PM – Complainant: I was referring to [Sergeant]. I am trying to adhere to [Chain of Command]. It was a topic at the training I just went to.
- **Undated Message on or before December 6 – Text Chain between Complainant and NE#1**
  - 10:55 AM – NE#1: [in relevant part] My apologies for speaking with [Civilian #2] about the [homicide case.] ... Please let me know how we're proceeding with the case.
  - 11:21 AM – Complainant: You have been told not to jump chain of command multiple times. I told you dealing with this case in particular not to go to [Civilian #1] and that I handled it. You did anyway. Insubordination.
  - 11:39 AM – NE#1: Understood
- **December 6 – Text Chain between Complainant and NE#1**
  - 1:24 PM – NE#1: Hi Lt. I was hoping to speak with you and [Civilian #1] to get guidance on how to meet your expectations, improve my communication, and be an integral part of the squad. I know I have opportunities and would like to continue to grow and develop with this team.
- **December 15 – Text Chain between Complainant and NE#1**
  - 12:03 PM – Complainant: If you received my email about the post please respond.
  - 12:03 PM – NE#1: Sent you response.
  - 12:03 PM – Complainant: Thank you.
  - 12:03 PM – NE#1: Welcome.

The Complainant also provided screenshots of undated text messages between NE#1 and the Complainant.

- A discussion about a post concerning a dead body that was found with gunshot wounds (GSW). The Complainant told NE#1 that “[in the] future,” she should always confirm whether “shots” refers to GSW. NE#1 responded that it was her first question, providing context on how she found out. The Complainant replied, “I don’t need or want [an] ‘explanation.’ Just need you to do what I ask.” NE#1 responded, “Copy.”
- A discussion about a blotter post concerning a homicide and whether NE#1 could post this without the Complainant’s approval.
- A discussion concerning whether NE#1 responded to the Mayor’s Office staff without the Complainant’s approval. The Complainant wrote, “I’m certainly sure I gave an order to not respond to the Mayor’s Office unless given directions to do so by me.” After discussing how to proceed, the Complainant wrote, “For my unit, I re-emphasize, DO NOT respond or communicate with [Mayor’s Office] without going through me. This is more important than you realize. Last, follow orders. That is policy[,] and I will hold you accountable [for] it.” NE#1 responded, “Copy.”

- There was a discussion concerning how NE#1 entered her overtime for working an event. The Complainant wrote, “I just don’t play when it comes to time. The proper way is on an event form.” NE#1 responded that she “signed an event summary” but explained that another sergeant entered her time.
- A discussion concerning a Blotter post about a car fire. The Complainant asked to see the post for approval and said, “Hopefully, it wasn’t posted before I approved [it].” NE#1 explained she made the edits requested by the Complainant and thought, “We’d be good to post.” The Complainant said, “We will address this in the morning.”
- A discussion concerning NE#1’s participation in a recruiting video during work hours. NE#1 texted “to remind” the Complainant about the video. The Complainant stated he was unaware of the video and asked who approved it. NE#1 sent the Complainant the first email setting up the video. NE#1 wrote, “I apologize. I thought you knew, and that’s why they were reaching out.”

### ***Performance Appraisal System Entries***

OPA reviewed PAS entries for NE#1. OPA found an October 29, 2023, entry covering multiple issues. The PAS entry noted that NE#1 “was instructed” (1) to send all correspondence from the Mayor’s Office to the Complainant and not respond without his approval, (2) to obtain permission from the Complainant before corresponding with lieutenants or above in other units, and (3) complete an overtime events form when she works and event and not input her hours herself. The PAS entry did not indicate how or when these instructions were provided to NE#1.

The PAS entry further stated: (1) On October 6, 2023 NE#1 sent a Blotter post to Lieutenant #1 an hour after the Complainant told NE#1 to send the post to a sergeant, (2) On October 26, 2023, NE#1 emailed Lieutenant #2 requesting an “ask” that was not authorized by the Complainant, and (3) On October 21, 2023, NE#1 worked an event and then a protest, after which she filled out her own time and did not use an overtime event form. The PAS entry states “10/6/21,” but it appears to be a typo, as the related year would be 2023.

The PAS entry stated NE#1’s actions constituted insubordination. It also characterized NE#1 as “a great worker and does great work” but said that “on a few occasions,” she did the “opposite of what she was instructed to do.” The PAS entry documented that the Complainant reminded NE#1 about the “consequences of insubordination.”

### ***OPA Interview – Named Employee #1***

NE#1 worked at SPD for six years, first as a patrol officer and later as a public affairs officer. OPA reviewed the issues raised in the MOE with NE#1.

Concerning the April 9th blotter post, NE#1 said she believed the Complainant conditionally approved the post, only requiring her to fix a minor typo.

Concerning her involvement in the recruitment video, NE#1 said an SPD photographer asked her to participate in the Complainant’s presence. NE#1 said that when she later followed up with the Complainant about it, he accused her of not notifying him about her participation.

Concerning the August 2023 “Harbor incident,” NE#1 explained she completed a previous post related to the Harbor Unit. Afterward, NE#1 requested the Harbor Unit send future incidents to Public Affairs. Later, when the Harbor Unit reached out to her, she was told Harbor Unit supervisors would provide her with more information. NE#1 said that when the Complainant assigned the incident to PAO#1, she requested to work on the project since she previously covered that unit.

NE#1 discussed the two incidents concerning her overtime documentation. NE#1 said the first incident was a lastminute event, and no overtime summaries were provided, so the event sergeant had to enter NE#1’s time. When NE#1 recognized her overtime was not entered, she spoke with the Complainant, who told her not to worry about it. Later, NE#1 saw the event sergeant entered the time, and the Complainant needed to approve the timesheet. NE#1 said she told the Complainant to approve her timesheet, and he agreed. Concerning the second incident, NE#1 said public affairs officers are not listed on sergeant check-in sheets, she did not know whose event overtime summary to sign, and she was confused about who she reported to. NE#1 said she contacted a sergeant the next day to resolve her confusion. NE#1 and that sergeant determined NE#1 should submit a regular overtime sheet. NE#1 said she asked the sergeant who should enter the time, and the sergeant told her it did not matter, so NE#1 entered the time and faxed the overtime sheet to the sergeant.

Concerning the email with the Mayor’s Office, NE#1 stated a Seattle Fire Department (SFD) public information officer sent an email regarding joint messaging between SFD and SPD on an issue. The SFD public information officer copied a Mayor’s Office staff member on the email. NE#1 replied, stating she would ask the chain of command whether they were interested in joint messaging. NE#1 stated she hit “reply all,” which included the Mayor’s Office staff member, but the takeaway from the exchange was that a course of action was undecided.

NE#1 explained her communication with SPD lieutenants. Concerning Lieutenant #1, NE#1 said she told the Complainant they were awaiting a response from a sergeant for over two hours. NE#1 said she asked for permission to email Lieutenant #1, and the Complainant told her if they did not get a response within an hour “go ahead and move forward.” NE#1 said that, after an hour, she emailed Lieutenant #1. Concerning Lieutenant #2, NE#1 explained the Public Affairs Unit had received numerous contacts regarding Halloween safety tips. NE#1 said she sent an “ask” about whether SPD was putting out safety tips, which Lieutenant #2 answered by asking a question, which NE#1 referred to the Complainant. Concerning Lieutenant #3, NE#1 noted she only spoke with another police officer under Lieutenant #3’s command, so she was unsure why Lieutenant #3 was mentioned in the MOE.

Concerning the December SPOC emails, NE#1 recalled the Complainant asking his reports to submit their availability before the event. NE#1 and her colleagues communicated their availability, and PAO#1 was scheduled to work on December 2nd. NE#1 said SPOC later emailed asking which public affairs officer was working on December 2nd. NE#1 said she spoke with PAO#1, who said he would take care of it. NE#1 said SPOC called her to ask about

December 2nd staffing, indicating they had already called and emailed the Complainant twice but had not heard back. NE#1 said she advised SPOC that PAO#1 should be working but referred them to the Complainant for confirmation. NE#1 insisted she did not breach her authority by scheduling assignments because PAO#1 had volunteered for the event.

Concerning the allegations that she interacted unprofessionally with other staff, NE#1 said the MOE did not offer specific examples. Regarding her alleged unprofessionalism concerning Blue/Gold scheduling, NE#1 said the Complainant advised officers to select a release day. NE#1 requested Friday as she had a longstanding appointment. NE#1 said the Complainant denied her requests because the Complainant wanted that day. NE#1 said she canceled her appointment, accepting that she would be working on Friday. NE#1 said the Complainant later told her she could take Friday off. NE#1 responded that she already canceled her appointment, so "It was fine." NE#1 said she was made to feel like she was being difficult. NE#1 said other officers, including PAO#1, tried to interject in the conversation, and she told them she was not talking to them as she was conversing with the Complainant. NE#1 said there were "frustrations" and "tension" in that conversation as she was exhausted from work duties.

NE#1 also discussed her alleged delay in responding to the Complainant's emails. Specifically, NE#1 addressed the December 15th email chain. NE#1 and her union representative noted that this email chain extended over multiple days and involved instances when the Complainant did not respond to NE#1 for up to twelve hours and instances when emails were unanswered by the Complainant until NE#1 prompted a response. Overall, NE#1 explained her understanding that she was expected to respond to emails in a "timely manner," but the Complainant never mandated a specific timeframe. NE#1 denied intentionally ignoring the Complainant. NE#1 said the December 15th email from the Complainant was not an "emergent" issue and that similarly timed responses in the past had not been an issue.

#### *OPA Interview – Witness Employee #1*

OPA interviewed WE#1, who stated the following:

WE#1 is a strategic advisor at SPD who facilitated the December 7th meeting where the MOE was presented to NE#1. WE#1 said NE#1 requested the meeting the day before to discuss how NE#1 was not meeting the Complainant's expectations. WE#1 said the MOE was reviewed with NE#1, and NE#1 did not dispute its contents and often agreed. WE#1 said NE#1 appeared to understand she was underperforming. WE#1 explained how NE#1 injecting herself into conversations created inefficiency, which NE#1 seemed to understand. WE#1 said after the meeting, she, the Complainant, and Civilian #1 agreed that it went well.

WE#1 explained that her involvement in the incident began before December 7th, as she met with the Complainant and Civilian #1 to discuss NE#1's performance. WE#1 understood the issue to be NE#1 pushing back and not following the Complainant's instructions. WE#1 originally suggested a "counseling memo," the substance of which was developed between WE#1 and the Complainant. After NE#1 requested a meeting, WE#1, the Complainant, and Civilian #1 agreed to switch to an "expectations memo," the difference being that a counseling memo has an

admonishment that failure to meet expectations may result in discipline, whereas the expectations memo does not.

WE#1 said that it was explained to NE#1 that the issues listed in the MOE would only be referred to OPA if her misconduct continued. NE#1 was asked to sign the MOE, but it was unrequired. WE#1 characterized the issues in the MOE as minor violations and that the expectations memo was not an “internally just” tool for correcting communication disconnects between employees and management.

WE#1 said the Complainant told her that NE#1 had failed to follow orders after the December 7th meeting. WE#1 said, as best she could recall, NE#1 allegedly failed to respond to an email promptly.

#### *OPA Interview – Complainant*

OPA interviewed the Complainant, who stated the following:

The Complainant—the public affairs lieutenant— worked at SPD for twenty years.

The Complainant said his primary concern was NE#1’s failure to follow the chain of command. The Complainant said he supervised NE#1 previously, knew her to be a hard worker, and did not think she had issues getting along with coworkers. The Complainant described NE#1 as having interpersonal issues with PAO#1. The Complainant also stated he considered NE#1 a very good friend, describing her as a little sister outside of work.

The Complainant said NE#1 yelled when he tried counseling her. He also said Civilian #2, the previous unit head, counseled NE#1. The Complainant said most of his observations were undocumented since he wanted to give NE#1 the benefit of the doubt. However, he began writing things down when issues persisted.

The Complainant said NE#1 sometimes ignored his orders, citing her communication with the Mayor’s Office. The Complainant acknowledged that other officers in the unit also violated that instruction but characterized NE#1 as doing so consistently and making excuses.

The Complainant said he communicated expectations to subordinates verbally and via text messages. The Complainant also recalled at least one private conversation he had with NE#1 to address her behavior.

The Complainant spoke with OPA about the issues raised in the MOE and provided other undocumented incidents with NE#1 throughout 2023.

The Complainant provided additional context concerning the December 15th email exchange. He said his reports were instructed to promptly respond to emails while on duty, an expectation communicated verbally and in emails. OPA did not locate any such Unit expectations emails in this investigation, nor did the Complainant provide any such emails with the MOE or his Blue

Team complaint. The Complainant said NE#1 routinely responded late or not at all when NE#1 was upset with the Complainant. The Complainant said there is a unit expectations document that the Complainant has been updating since taking over the unit, but email response times were not covered. The only document OPA received concerning specific Public Affairs expectations was a one-page document labeled “Procedures (discussed 10/10/22)” concerning what sorts of incidents necessitated a callout response, callout procedures, and sergeant notifications, as well as uniform and attire requirements while on duty or responding to call outs. The Complainant said he considered responses over an hour later untimely. He stated that NE#1 was advised to respond to him immediately, regardless of the importance of the email.

Concerning NE#1 entering her own time, the Complainant noted that NE#1 was paid a different rate when assigned to public affairs versus covering events. The Complainant explained NE#1 was instructed to have a supervisor enter her time to avoid any perceived dishonesty. The Complainant said, despite a conflicting instruction from the sergeant overseeing NE#1’s overtime, NE#1 disobeyed his instruction to have a supervisor enter her time and that the other sergeant was unaware of NE#1’s pay rate differences.

The Complainant said that if NE#1 committed further violations after the MOE, an OPA referral would be made. The Complainant said NE#1 initially accepted the terms of the MOE but later refused to participate. The Complainant explained he had always been uncomfortable with the MOE arrangement and that NE#1’s decision not to participate in the training and mentorship terms of the MOE contributed to the OPA referral. The Complainant said the MOE was nonbinding and that when NE#1 did not participate in training and mentoring, the agreement not to refer the listed violations to OPA was void. Besides the delayed response to his December 15th email, the Complainant could not identify new violations committed by NE#1.

The Complainant also suspected that NE#1 misused sick leave but could not establish that NE#1 was not sick—or did not have some other qualifying reason to take sick time—on the days she coded sick time.

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## **Analysis and Conclusions:**

### **Named Employee #1 - Allegation #1**

#### **5.001 - Standards and Duties POL-10. Employees Will Strive to be Professional**

The Complainant alleged that NE#1 was disrespectful and disruptive, yelling things like, “I am not talking to you!” at colleagues.

Employees must “strive to be professional.” SPD Policy 5.001-POL-10. Further, “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers,” whether on or off duty. Id. Department employees must “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” Id. “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language derogatory, contemptuous, or disrespectful toward any person.” Id.

In his OPA complaint and the MOE, the Complainant generally alleged that he and NE#1's coworkers felt she was "pushy," would "talk down to them," "start arguments," or "speak to them in raised tones." OPA notes that none of these incidents, individually, resulted in an OPA referral. Further, OPA found no documentation of the Complainant or another supervisor counseling NE#1 concerning her tone, demeanor, or professionalism.

Only three specific incidents were mentioned in the MOE or OPA complaint: the April 7th text exchange, NE#1 allegedly snapping at a coworker, and another incident where NE#1 reportedly angrily walked off. The Complainant suggested that the April 7th text exchange was so disturbing that he considered returning early from a trip to confront NE#1. However, OPA found no documentation of the Complainant formally counseling NE#1 about his concerns. Moreover, OPA did not find that, in the April 7th exchange, NE#1's comments undermined public trust or constituted serious misconduct. Concerning Blue/Gold scheduling, NE#1 acknowledged the situation was tense and that she was frustrated. Similarly, NE#1's alleged outburst, "That's a swing at me!" before walking off in anger, at best constituted minor misconduct resulting from interpersonal conflict, not serious misconduct. Furthermore, these three incidents occurred in a high-stress work environment spanning nearly a year.

Most importantly, NE#1's chain of command initially decided these issues warranted an MOE rather than an OPA referral. Other than NE#1 not immediately responding to the Complainant's December 15th email, no incidents occurred after the December 7th MOE meeting. Overall, as explained in greater detail below at Named Employee #1— Allegation #3, it would be procedurally unjust to sustain now behaviors that the chain of command previously determined were minor issues best addressed with an MOE.

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

Recommended Finding: **Not Sustained – Unfounded**

## **Named Employee #1 - Allegation #2**

### **5.001-POL 11. Employees Will Be Truthful and Complete in All Communication**

The Complainant alleged that NE#1 dishonestly suggested that an SPOC supervisor told her to enter document overtime on her timesheet rather than an overtime event summary.

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

As an initial matter, the Complainant and NE#1 agreed that NE#1's time was either entered by an overtime supervisor or, once, by NE#1 herself after an overtime supervisor advised her she could enter it. The Complainant and NE#1 only disagree as to whether, on one occasion, NE#1 told the Complainant that SPOC did not provide an overtime event form when they had. According to NE#1, she failed to sign the form and advised the Complainant. According to the Complainant,



NE#1 falsely claimed that overtime forms were not provided. This conversation was not recorded, and OPA cannot determine the exact words. Even so, there is insufficient evidence that NE#1 was deliberately deceptive. As noted above, NE#1's chain of command believed this was best addressed with an MOE rather than an OPA referral.

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

Recommended Finding: **Not Sustained – Unfounded**

### **Named Employee #1 - Allegation #3**

#### **5.001 - Standards and Duties; 15. Employees Obey any Lawful Order Issued by a Superior Officer**

The Complainant alleged that NE#1 routinely failed to follow orders and went outside her chain of command.

Department employees must obey any lawful order issued by a superior officer. SPD Policy 5.001-POL-15. Failure to do so constitutes insubordination. Id.

Insubordination is serious misconduct. See SPD Policy 5.002-POL-5. The Department is a paramilitary organization with a structured chain of command; insubordination is taken extremely seriously. See SPD Policy 1.020-POL-1 (Department Employees Follow a Structures Chain of Command). Not every failure to follow instructions or adhere to standards constitutes insubordination. OPA necessarily relies, at least in part, on the chain of command to determine when a failure to adhere to direction crosses the line into insubordination. Cf. SPD Policy 5.002-POL-5 (supervisors must refer serious policy violations to OPA).

Here, the alleged insubordination spanned nearly a year. During this time, no single incident triggered an OPA complaint. Instead, the Complainant first documented three instances of potential insubordination—emailing Lieutenant #1, emailing Lieutenant #2, and entering overtime without an event form—in a single PAS entry on October 29, 2023. In December 2023, the chain of command proceeded with the MOE. In doing so, WE#1 emailed Civilian #1 and the Complainant: “Once the decision was made to execute an expectations memo, it included a decision to forego the OPA option for these past violations. Any new violations after 12/07/2023 can be referred to OPA as [NE#1] was so advised during our meeting.” As WE#1 told OPA, NE#1's alleged misconduct was relatively minor and inconsistently documented. An MOE was the appropriate tool to put NE#1 on notice of expectations moving forward. It would be procedurally unjust now to characterize NE#1's actions as insubordination when her chain of command was prepared to treat them as minor misconduct best addressed through counseling.

The only incident after the December 7th MOE meeting was the “untimely” email response on December 15th. While acknowledging the Complainant's frustration, OPA does conclude that NE#1's delayed response constituted a serious policy violation. Despite the Complainant's claim, OPA found no emails from him requiring a response within an hour. Even if that were the

expectation, there is limited evidence NE#1 regularly and materially failed to meet that standard. Although the Complainant stated this issue was discussed at the December 7th meeting, it was not covered in the MOE. Similarly, the Complainant did not note this issue in his October 29, 2023, PAS entry. Nor did the Complainant mention this standard in the text message chains he provided, in which he prompted NE#1 to respond to him. Instead, it appears more likely that the standard was to respond reasonably promptly. OPA cannot say that an hour-and-a-half response time—during an email chain spanning days—was unreasonable. More to the point, NE#1's immediately preceding message stated: "Let me know if this is good to post. Thank you." The Complainant responded, "Hold off." A reasonable interpretation of this exchange would be that NE#1 would not take action without the Complainant's approval, which he did not provide, so no further response was necessary other than to comply with the instruction to "hold off."

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

Recommended Finding: **Not Sustained – Unfounded**

#### **Named Employee #1 - Allegation #4**

##### **4.040 - Sick Leave, 4.040-POL-9 Employees Will Use Earned Sick Leave for a Medical Absence**

The Complainant alleged that NE#1 misused sick leave.

Employees must use earned sick leave for medical absences. See SPD Policy 4.040-POL-9. Employees and supervisors are prohibited from substituting discretionary leave for requested sick leave if an employee has an insufficient sick leave balance. See *id.*

While NE#1's sick leave usage may appear questionable, there is insufficient evidence that NE#1 misused sick time. The nature of sick leave for minor illnesses or other legitimate needs is also one that largely relies on the employee's self-assessment. This concept is recognized by Washington State law and Seattle City policy, generally forbidding employers from seeking verification of incidental sick leave. See RCW 49.46.210 (employers cannot require verification for absences not exceeding three days); Seattle Personnel Rule 7.7.6 (employers cannot require verification for absences not exceeding four days). Finally, this issue was raised with NE#1 in the MOE. On its merits, and for the reasons articulated at Named Employee #1 – Allegation #3, it would be procedurally unjust for OPA to sustain this allegation.

Accordingly, OPA recommends that this allegation be Not Sustained—Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**