



**FRANK FREED
SUBIT & THOMAS**
EMPLOYMENT & LABOR LAW

705 Second Avenue, Suite 1200
Seattle, Washington 98104-1798
P: 206-682-6711
F: 206-682-0401

Michael C. Subit
msubit@frankfreed.com

November 27, 2024

Hand-Delivered

Mayor Bruce Harrell
City of Seattle
600 4th Ave. Suite 7
Seattle, WA 98104

Re: **Jamie Tompkins**

Dear Mayor Harrell:

I represent former Seattle Police Department (“SPD”) Chief of Staff Jamie Tompkins. Before Tompkins began work, and continuing throughout the entirety of her employment, SPD subjected her to a sexually hostile work environment. On a regular basis, SPD officers and employees taunted and insulted Tompkins by repeating the false charge that she was in a sexual relationship with former SPD Chief Adrian Diaz. I write to determine whether the City is interested in a negotiated resolution of this dispute.

Prior to joining SPD, Tompkins was a well-known Seattle area media personality. She spent 20 years working around the country as a TV news anchor and reporter, most recently serving as the main anchor for FOX13 News in Seattle, broadcasting several times nightly for the station. She first met Diaz while she worked at FOX 13. In January 2023, Diaz asked Tompkins to serve as Chief of Staff for the Seattle Police Department, after making unsuccessful offers to a number of individuals. Tompkins accepted the job in February 2023. However, because of her contractual obligations to FOX 13, Tompkins could not begin her job duties until May 2023.

Once word got out that Tompkins had accepted the position, SPD employees began spreading the false allegation that Diaz had selected her because they were in a sexual relationship. We believe that SPD managers not only knew of the false allegations but also disseminated them. Typical of the comments officers made about Tompkins was Sgt. Ron Campbell’s statement to former SPD Detective Kim Bogucki in February or March 2023 that he believed Diaz had “definitely fucked Tompkins because she was hot,” and that Campbell would “fuck her too.” Numerous SPD officers made similar statements, both before and after Tompkins began work.

Just prior to her start date, Tompkins received a call from a reporter who told her that an Assistant SPD Chief had informed the reporter that Tompkins and Chief Diaz were having an affair. The reporter also said they had information that former Assistant Chief Deanna Nolette, former Assistant Chief Eric Greening, and Captain Steve Strand had been involved in spreading the rumors of Tompkins’s alleged sexual relationship with Diaz. The reporter also told Tompkins that SPD officers were surveilling her. One SPD officer, Tay Grey McVey, told his colleagues he would watch Tompkins’ news broadcast every night to see whether she was wearing a wedding ring. McVey also admitted to regularly checking Tompkins’s bio on the Fox 13 website.

FOR SETTLEMENT PURPOSES ONLY

FILED
CITY OF SEATTLE
NOV 27 12:07
CITY CLERK

In May 2023, just before Tompkins official start date, the Seattle Police Officers Guild (“SPOG”) held a meeting to address the claims of her alleged affair with Diaz. The day before she began work, Diaz addressed the entire SPD command staff. He told them that allegations of an affair between him and Tompkins were false. He also directed them to not allow SPD employees to sexually harass her. His pleas fell on deaf ears. Chief Diaz even took a proactive step, prior to Tompkins’s on boarding, of contacting Ethics and Election Director Wayne Barnett, alerting him to the rumor and asking if it needed to be investigated. Barnett declined to investigate.

The sexist rumors SPD initiated about Tompkins caused her to seriously consider withdrawing her acceptance of the Chief of Staff position, which eventually incorporated the Director of Strategic Communication position. Once she began work, the harassment only got worse. Tompkins was exposed to continuing sexual harassment on a regular basis. She frequently overheard or was told about comments by SPD personnel about her alleged affair with Diaz and/or her physical appearance.

Heather Marx, an SPD Police Executive Command Team member, came into Tompkins’ office and said “it’s OK if you are sleeping with the Chief. I respect your work and no one cares who you are sleeping with”. Tompkins explained to her, very pointedly, that this was a false narrative.

During her first week on the job, Tompkins informed Chief Operations Officer Brian Maxey and General Counsel Becca Boatright that she was being sexually harassed. She separately communicated the same to Human Resources. That same week, Assistant Chief Eric Barden told Tompkins if she looked like Heather Marx, she wouldn’t be treated this way.

In June 2023, SPD Strategic Advisor Durand Dace admitted to Tompkins that he, along with Officers Valerie Carson and McVey, had spread the rumors about her sexual relationship with Diaz. Ironically, Dace had worked with Tompkins at FOX 13 and provided a background reference for her. Dace admitted to spreading the rumors to groups ranging from reporters to police officers.

In June 2023, you met with Diaz about his alleged affair with Tompkins. You told him that you weren’t worried about the rumor and that it was “completely alright” if he had slept with her. Diaz told you he had not slept with Tompkins and that it wouldn’t have been “alright” if he had. You responded that you would “do” Tompkins, and it’s fine. He replied that it wasn’t fine.

Officer McVey told Tompkins that he could find her anywhere because he could track her scent. He also told her that he watched her on surveillance cameras. He questioned her about her tattoos and where they were located on her body. McVey would take photos of Tompkins without her knowledge and show them to other SPD employees.

In early July 2023, David Preston, the monitor of a Facebook group called “Safe Seattle” posted about “The Adrian Diaz Affair.” Attachment A. The post described Tompkins as “an attractive 40-year-old heterosexual female.” *Id.* Preston claimed that “more than one inside source” had told him that Tompkins and Diaz “have been carrying on a love affair, apparently since before her hire date in May.” *Id.* Preston further claimed that “lots of people” at SPD “know[] about said

ongoing love affair between Chief Adrian Diaz and Jamie Tompkins.” *Id.* A commenter on Preston’s post, Geraldine Green, confirmed that Preston’s sources were “people in the department for 25-40 years.” Attachment B. SPD is well aware that its officers and employees are members of the “Safe Seattle” Facebook group.

During MLB All Star week in July 2023, Mike Solan, the President of SPOG, told Diaz that “everyone” would sleep with Tompkins because she was hot and Solan wouldn’t blame Diaz if he had done so.

In a July 11, 2023, interview with SPD’s Employee Relations and EEO Manager Rebecca McKechnie, Dace admitted that in April or May 2023, McVey had told him that officers from the West Precinct had seen Tompkins and Diaz at her apartment and around town together. He admitted talking with McVey about Tompkins’s marital status. He also admitted that, prior to Tompkins’s start date, he had discussed with McVey her alleged affair with Diaz. Dace conceded that he had no factual basis for believing that there was a sexual relationship between Diaz and Tompkins. He acknowledged that Tompkins was “absolutely” qualified for her job and was “the top professional in our media market.”

Dace acknowledged talking to SPD officers, including a sergeant, about the supposed affair between Tompkins and Diaz. He also testified that he raised the affair with one of the executive producers at FOX 13. Durand also relayed the rumor to Amy Clancy, who had previously worked for SPD, and was Dace’s boss before she resigned in March of 2023. Dace said McVey had told him that the alleged affair between Diaz and Tompkins was repeatedly discussed among the Assistant Chiefs on the 8th Floor. Dace also stated that Carson had raised the affair with him. Dace admitted the false rumor of the affair between Diaz and Tompkins was harassing and damaging to Tompkins. McKechnie’s questions recognized that the sting of the rumor was that Tompkins had gotten her job because she slept with Diaz rather than due to her qualifications.

Sometime during the summer of 2023, Tompkins went to the lunchroom to get an energy drink. Two officers were sitting at a lunch table. One said to the other, knowing that Tompkins was present: “Do you think the Chief fucked her?” The other officer replied: “I don’t know but I sure would fuck her, she’s hot.” Tompkins immediately left the lunchroom. Thereafter, she only entered the lunchroom when she was accompanied by someone whom she trusted.

In a follow-up interview with McKechnie on August 16, Dace admitted that there was “probably no other media person more suited” than Tompkins for her SPD role. McKechnie told Dace that if Carson had information about an inappropriate relationship between Diaz and Tompkins, it was “odd” that Carson had communicated that to Dace but not reported it. In this interview, Dace acknowledged that McVey had implied to him that Diaz and Tompkins were having an affair.

On August 28, 2023, McKechnie interviewed Tompkins about her rumored affair with Diaz. Tompkins told her: “Personally, it feels like sexual harassment.”

In the fall of 2023, McVey told an SPD employee that he believed Tompkins would sleep with him if he got her drunk on a work trip.

On April 14, 2024, the Office of Police Accountability issued a report on an anonymous complaint filed in September 2023 that Carson had spread the rumor that Tompkins and Diaz had engaged in a sexual relationship and that Carson had unlawfully surveilled Tompkins's apartment. Attachment C. The report concluded that Carson had "admittedly spoken about the rumored affair, there is insufficient evidence that she initiated or propagated it. By all accounts the rumor was widespread and covered by traditional and social media." *Id.* (footnote omitted). The report described the rumored affair between Diaz and Tompkins as "pervasive." *Id.* The OPA investigator claimed the Department couldn't discipline Carson because it would be "selective enforcement," even though Carson admitted to commonly discussing the false sexual rumor both with SPD employees and members of the media. *Id.*

In April 2024, SPD General Counsel Boatright came to Tompkins's office and told Tompkins she had "a massive sexual harassment case" for all she had endured at SPD.

Tompkins filed a formal complaint of sexual harassment against Carson in May 2024 with respect to the latter's spreading the false allegation that Tompkins and Diaz were in a sexual relationship.

Following Diaz's removal as Chief, Tompkins informed Acting Chief Sue Rahr in June 2024 about the sexual harassment she was experiencing. Rahr responded that Tompkins needed "to grow a thicker skin" and to "invest in Visine to conceal the red in her eyes from all the crying." Rahr told Tompkins that sexual harassment in law enforcement was common and that Tompkins needed to get used to it. Rahr said she had personally experienced a lot of sexual harassment and Tompkins should tell the people who were harassing her to just "fuck off."

Tompkins related her conversation with Rahr to SPD COO Maxey and HR Director Mike Fields. Maxey told her that she shouldn't file a formal complaint. Maxey also told her that Fields had sent the issue to the HR Investigations Unit, where "investigations go to die."

In August 2024, Sgt. Michael Dunkle came to Tompkins's office and informed her that he had determined that false rumors about her affair with Diaz had emanated from the 7th floor and that the assistant chiefs that Diaz had demoted, Nollette and Greening, were behind them.

In September 2024, COO Maxey told Tompkins she would be reporting to him for the foreseeable future. Tompkins said she was concerned that SPD personnel would now claim that she and Maxey were in a sexual relationship. Maxey laughed and said, "well Chief Diaz already groomed you so this should be easy for me." Although Tompkins didn't believe Maxey was propositioning her, his comments were indicative of the failure of SPD leadership to take the harm done to her seriously.

Tompkins resigned on November 6, 2024. The sexual harassment continued until the end of her employment.

The Washington Law against Discrimination ("WLAD") prohibits discrimination because of sex. Revised Code of Washington ("RCW") 49.60.180. Unlawful discrimination includes

creating a hostile work environment. *E.g.*, *Glasgow v. Georgia-Pac. Corp.*, 103 Wn.2d 401, 405, 693, 708 (1985).

To establish a *prima facie* case of sexually hostile work environment under Washington law, a plaintiff must show that she suffered harassment that: (1) was unwelcome, (2) because of sex, (3) affected the terms and conditions of her employment, and (4) is imputable to her employer. *Loeffelholz v. University of WA*, 175 Wn.2d 264, 275, 285 P.3d 854 (2012).

The test is whether “a reasonable woman would find that [the] conduct was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment.” *Steiner v. Showboat Operating Company*, 25 F.3d 1459, 1463 (9th Cir. 1994) (quoting *Ellison v. Brady*, 924 F.2d 872, 881 (9th Cir. 1991)). Gender-based conduct that is abusive or humiliating violates the law where it “pollutes the victim’s workplace, making it more difficult for her to do her job, to take pride in her work, and to desire to stay on in her position.” *Id.* at 1463.

Relying on the WLAD’s mandate of liberal construction, RCW 49.60.020, in *Loeffelholz* the Washington Supreme Court held that one discriminatory comment could establish a *prima facie* hostile work environment claim under the WLAD. Here, the hostile work environment was “pervasive” by SPD’s own admission. It occurred countless times. The harassment continued for more than a year and half. Moreover, it was much harder for Tompkins to do her job when a significant proportion of the SPD workforce believed she had received her position because of her physical appearance and sexual favoritism rather than on her qualifications and experience.

Sexual harassment is imputed to the employer when (1) the harasser was a manager or (2) when the employer “(a) authorized, knew, or should have known of the harassment and (b) failed to take reasonably prompt and adequate corrective action.” *Glasgow*, 103 Wn.2d at 407. Under the WLAD a manager is anyone who has the power and authority to affect the hours, wages, or working conditions of the employee. *Robel v. Roundup Corp.*, 148 Wn.2d 35, 48 n.5, 59 P.3d 611 (2002). We believe SPD managers initiated the false rumor that Tompkins and Diaz were in a sexual relationship. Several managerial level employees repeated the allegations on numerous occasions.

In any event, SPD was on notice about the harassment even before Tompkins’s official start date. The law “does not permit employers to stand idly by once they learn that sexual harassment has occurred. To do so amounts to a ratification of the prior harassment.” *Fuller v. City of Oakland, Cal.*, 47 F.3d 1522, 1529 (9th Cir. 1995).¹ The law condemns “the existence of past harassment, every bit as much as the risk of future harassment . . .” *Id.* at 1529.

“Harassment is to be remedied through actions targeted at the *harasser*, not the victim.” *Id.* (quoting *Intlekofer v. Turnage*, 973 F.2d 773, 780 n.9 (9th Cir. 1992)). An employer’s remedy should persuade individual harassers to discontinue unlawful conduct.” *Perry v. Costco Wholesale*,

¹ Washington courts look to federal case law as a guide to interpreting the WLAD. *Kumar v. Gate Gourmet Inc.*, 180 Wn.2d 481, 491, 325 P.3d 193 (2014). When the Washington Supreme Court “has departed from federal antidiscrimination precedent, however, it has almost always ruled that the WLAD provides greater employee protections than its federal counterparts.” *Id.*

Mayor Bruce Harrell
CITY OF SEATTLE
November 27, 2024
Page 6

Inc., 123 Wn. App. 783, 793, 98 P.3d 1264 (2004) (internal quotations omitted). In addition, “employers must remedy harassment in such a way that persuades potential harassers to refrain from unlawful conduct.” *Int’l Union of Operating Engineers, Local 286 v. Port of Seattle*, 176 Wn.2d 712, 722, 295 P.3d 736 (2013) (citing *Perry*, 123 Wn. App. at 793-94). SPD utterly failed to discharge its remedial obligations. SPD never took adequate corrective action, and the harassment never ceased.

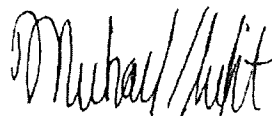
Under Washington law, an employee who has resigned does not have to prove a constructive discharge to recover her lost wages. *Martini v. Boeing*, 137 Wn.2d 357, 367, 971 P.2d 45 (1999). It is sufficient that unlawful discrimination caused the resignation. *Id.* Accordingly, Tompkins need show only that the sexual harassment she experienced at SPD was a substantial factor in her decision to resign. *Scrivener v. Clark College*, 181 Wn.2d 439, 444-445, 334 P.3d 541 (2014) (causation standard under the WLAD is “substantial factor” not “determining factor”). Under the substantial factor test, it does not matter whether other reasons were but-for causes of her decision to resign. Washington Pattern Jury Instruction 330.01.01.

Words cannot describe the anguish and humiliation Tompkins experienced as a result of the continual sexual harassment she experienced. She eventually took a two week leave of absence due to the stress. In July 2024, Tompkins met with Dr. Emily Hu, a licensed clinical psychologist and the Executive Director of Wellness of SPD, about the sexual harassment she was enduring. Tompkins felt and still feels violated, degraded, and dehumanized. The workplace trauma she experienced has caused her to withdraw from social interactions. The sexual harassment by SPD has caused permanent damage to her psyche. Tompkins is not the same person she was when she began employment with the City 18 months ago.

We have deliberately chosen to send a confidential demand-letter to initiate settlement discussions. Tompkins has authorized me to resolve her claims against the City for \$3 million. If the parties are unable to reach a negotiated resolution of this dispute, Tompkins will have no choice but to file a tort claim, which, as you know, is a matter of public record.

Please respond to this letter by December 20, 2024.

Sincerely,



Michael C. Subit

MCS/et

Enclosure(s): Attachments A-C

cc: Client
City Council President Sara Nelson (hand-delivered)

ATTACHMENT A

2:43

14m




<  **Safe Seattle**
1d · 




The Adrian Diaz Affair

(A Safe Seattle 4th of July Bombshell™)


What we know so far:


 **Jamie Tompkins is a former news anchor at Q13 FOX News.**

 **Jamie Tompkins is an attractive, 40-year-old heterosexual female.***

 **Jamie Tompkins was recently hired into the new position of "communications director" at the Seattle Police Department.**
By Seattle Police Chief Adrian Diaz.**

What we've been told by more than one inside source but haven't been able to independently verify:

 **Jamie Tompkins was recently served with divorce papers by her husband.**

 **Chief Adrian Diaz has been observed by various people at various times of day and night arriving at Ms. Tompkins' residence.**



Comment as Adrian...



Home



Watch



News



Marketplace



Notifications



Menu

<  **Safe Seattle**
1d · 🌐

...

🤔 Chief Adrian Diaz is no longer leaving from his Bellevue home in the morning to get to work. But he is still ARRIVING at work.

👤 Jamie Tompkins and Chief Adrian Diaz have been carrying on a love affair, apparently since before her hire date in May.

What we've also been told but will never be able to independently verify since it's speculative and vague:

📣 "Everyone" (read: lots of people but not literally everyone) at SPD knows about said ongoing love affair between Chief Adrian Diaz and Jamie Tompkins.

🤔 The announcement of Jamie Tompkins' hiring was rushed out because someone with knowledge of the affair had threatened to leak the info to the press.

*According to this 63-year-old heterosexual male. –David



Safe Seattle

1d · 🌐



The Adrian Diaz Affair

(A Safe Seattle 4th of July Bombshell™)

What we know so far:

i Jamie Tompkins is a former news anchor at Q13 FOX News.

i Jamie Tompkins is an attractive, 40-year-old heterosexual female.*

i Jamie Tompkins was recently hired into the new position of "communications director" at the Seattle Police Department.**
By Seattle Police Chief Adrian Diaz.

What we've been told by more than one inside source but haven't been able to independently verify:

🙄 Jamie Tompkins was recently served with divorce papers by her husband.

🙄 Chief Adrian Diaz has been observed by various people at various times of day and night arriving at Ms. Tompkins' residence.

<  **Safe Seattle**
1d · 

...

****In the same email that announced Tompkins' hiring, Seattle Police Chief Adrian Diaz noted that he's downsized some bureaus due to loss of staff. This is according to a KUOW report linked in the comments below.**



 **Like**

 **Comment**

 **Share**

 **49**

10 Shares

Most relevant ▾

View previous comments...



Rick Sarchett
I smell a rat!

ATTACHMENT B



Safe Seattle



1d · 🌐

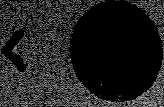


Geraldine Green

I'm glad this was posted here on Facebook because the two people this post is about have created this situation themselves. They opened themselves up to this by Chief Diaz's already controversial appointment of Tompkins as Communications Director. He demoted two other extremely well qualified lifelong staffers at the same time. When things like that occur it creates very bad blood in a City department and all the dirty laundry starts getting aired throughout the department. Diaz brought this on himself. And all I can say is what a damn fool he is.

17h Like Reply





Safe Seattle

1d · 🌐

sources as good honorable
journos must. Those sources
could easily lose their jobs if
they were named here just to
satisfy the likes of you and
other armchair keyboard
warriors, they could lose their
jobs because this issue
concerns their Chief. Think
about that. People who've
worked in that department for
25-40 years would be
terminated if they allowed
their identities to be revealed
just to satisfy people on
Facebook. No, they will not
do that for good reason. But
you and all the others here
crowing about reading

ATTACHMENT C



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 14, 2024

FROM: DEPUTY DIRECTOR BONNIE GLENN ON BEHALF OF DIRECTOR GINO BETTS JR.,
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0431

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional	Not Sustained - Unfounded
# 2	1.110 – Public Information, 1.110-POL-1 General Policy, 2. Except as May Otherwise Be Authorized by the Chief of Police or His or Her Designee, Employees Shall Not Release Information to the Media or Related Outlets Other Than as Prescribed by This Policy	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 was alleged that Named Employee #1 (NE#1) spread a rumor and spoke to the media about Witness Employee #1 (WE#1) having an affair with Witness Employee #4 (WE#4)—SPD’s chief of police. It was also alleged that NE#1 unlawfully surveilled WE#1’s apartment.

ADMINISTRATIVE NOTE:

The Seattle Police Department’s Equal Employment Opportunity (EEO) investigator processes allegations of discrimination, harassment, and retaliation for bringing or participating in an EEO investigation. EEO investigated¹ Witness Employee #3 (WE#3), accused of harassing WE#1 by spreading the same salacious rumor. EEO preliminarily investigated harassment allegations against NE#1 but declined further investigation. OPA’s investigation covered the broader misconduct allegations against NE#1, like spreading an affair rumor, unauthorized media contact, and surveilling WE#1.

On February 6, 2024, OPA received an anonymous complaint alleging that WE#4 engaged in “unethical behavior,” including an “inappropriate relationship with [WE#1].” OPA opened an intake investigation: 2024OPA-0075.

On March 20, 2024, the Office of Inspector General certified OPA’s investigation as thorough, timely, and objective.

¹ 2023EEO-0013.



SUMMARY OF INVESTIGATION:

In September 2023, an anonymous OPA complaint accused NE#1 of spreading a rumor that WE#1 was having an affair with WE#4. It also alleged that NE#1 spoke with media outlets about the rumor and unlawfully surveilled WE#1's apartment.

OPA investigated the complaint, reviewing email correspondence, EEO interviews, email records, and documents supplied by NE#1. OPA also interviewed WE#1 and NE#1.

On October 2, 2023, Witness Employee #2 (WE#2)—SPD's employee relations and EEO manager—sent OPA transcripts of her EEO interviews concerning related allegations against WE#3. WE#2 interviewed WE#1 and WE#3. WE#2 wrote that the interviews covered WE#3's involvement in spreading the rumor, NE#1's and WE#3's communications about WE#1, and WE#3 contacting media outlets about WE#1. WE#2 noted that there was no EEO investigation against NE#1 because "there was no direct allegation that [NE#1] harassed [WE#1] herself, nor that she conducted any surveillance of [WE#1] herself, nor that she had released information to the media." WE#2 also stated that she reviewed NE#1's SPD email account "for the period [of] [February 1, 2023] to [July 12, 2023], and nothing useful was found."

EEO Interviews

On July 11, 2023, WE#2 interviewed WE#3. WE#3 worked in SPD's public affairs unit. WE#3 said that before joining SPD, he and WE#1 worked at the same media outlet. WE#3 also described a working relationship, primarily discussing newsworthy topics concerning SPD, with NE#1—an SPD public information officer—before and throughout his SPD hiring process. WE#3 said he and NE#1 communicated for roughly two and a half years without meeting in person. After WE#3's hiring, WE#3 said he and NE#1 met at a coffee shop near the West Precinct. WE#3 said they had a "very, very quick conversation," minimally discussing WE#1's—later hired as SPD's chief of staff—and WE#4's rumored affair. Specifically, WE#3 recalled NE#1 saying that West Precinct officers saw WE#4 being dropped off or picked up by someone driving a car similar to WE#1's.

On August 16, 2023, WE#2 re-interviewed WE#3, delving further into WE#3's and NE#1's coffee shop conversation. WE#3 said he did not recall how the rumored affair came up but remembered NE#1 saying gossip about it was "[starting] to spin up around the West Precinct." WE#3 also said that NE#1 mentioned that West Precinct officers reportedly saw WE#1 and WE#4 "around town without [WE#4's] detail," describing it as odd "since some of it was also taking place after hours." WE#3 said he called the rumors "[WE#1's first name] gate." WE#3 denied that NE#1 was "fishing for [information]" about WE#1 and WE#4, describing their conversation as "two friends trying to catch up because we finally got to meet each other for the first time...just catching up and talking about whatever came to mind." In response to NE#1 relaying West Precinct gossip that WE#4 was seen in a particular car and leaving an apartment complex near the West Precinct, WE#3 said he may have told NE#1 that WE#1 drove a similar car and lived in a building near the West Precinct.

On August 28, 2023, WE#2 interviewed WE#1. WE#1 said that before she joined SPD, a reporter told her about the rumor and that officers were tracking her whereabouts. WE#1 described the rumor as unequivocally false and its impact on her:



Personally, it feels like sexual harassment. I've never experienced something like this in my entire twenty-year TV career, right? ... starting work felt hostile ...having a reporter tell you that you're being surveilled by actual police officers. That's also very uncomfortable when you're female and you live alone. And then you have to go into work where people are also spreading lies about you...it feels hostile, and it's undoubtedly...sexual harassment, and I still can't wrap my head around even why something like that would, you know what I mean, why [WE#3] would want to be a part of something like this.

WE#1 said she spoke with WE#3 in June 2023, when WE#3 cryingly apologized, saying, "I'm really sorry I've been a jerk to you" and "I have been not only spreading this rumor about you...but also adding to it." WE1 said WE#3 indicated that spreading the rumor made him feel "special" and "in the know of something." WE#1 also said that WE#3 admitted to spreading the rumor to groups ranging "from reporters to police officers." WE#1 did not mention NE#1 during that interview.

OPA Interviews

On November 1, 2023, OPA interviewed WE#1. WE#1 did not believe that NE#1 surveilled her but acknowledged hearing generic rumors about officers surveilling her. WE#1 said WE#3 never mentioned NE#1 surveilling WE#1 during their conversation. WE#1 denied knowing whether NE#1 played a role in starting or spreading the rumor. WE#1 said WE#3 told her that he and NE#1 discussed where WE#1 lived, the car she drove, and speculated why WE#1 joined SPD and her relationship with WE#4. WE#1 told OPA that WE#3 was the only person she knew to associate NE#1 with the rumor.

On December 6, 2023, OPA interviewed NE#1. NE#1 said she worked in SPD's media unit during the period in question. NE#1 said she heard about the rumored affair but denied spreading it or knowing its source. NE#1 admitted to discussing it with colleagues, including WE#3, and outside SPD. NE#1 said her discussions were limited to the rumor being "disappointing" if true. NE#1 said she may have discussed the rumor with a friend in television media but denied discussing it in detail. Moreover, NE#1 said her friend's media outlet "has [never] covered any of these rumors." NE#1 also denied surveilling WE#1.

During her initial OPA interview, NE#1 mentioned having documents concerning the rumor. NE#1 later provided those documents to OPA, including EEO records, news articles covering the rumor, and her notes². Generally, NE#1's notes documented purported occurrences she believed established that WE#1 and WE#4 "had more than a professional relationship prior to [WE#1] working at the department."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-10. Employees Will Strive to be Professional

The Complainant alleged that NE#1 spread a false rumor about WE#1 and WE#4 having an affair and unlawfully surveilled WE#1's home.

² NE#1 said she took notes documenting workplace mistreatment.



SPD 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.*

While NE#1 admittedly spoke about the rumored affair, there is insufficient evidence that she initiated or propagated it. By all accounts, the rumor was widespread and covered by traditional and social media.³ While entertaining gossip is not conducive to a healthy workplace, holding NE#1 singularly accountable for a pervasive rumor when there is insufficient evidence that she was responsible for it or played a significant role in spreading it would constitute selective enforcement.

Moreover, OPA found no evidence that NE#1 surveilled WE#1. WE#1 believed the allegation was untrue, and NE#1 denied it. Although WE#1 heard a rumor about police officers surveilling her, if true, there was no indication that NE#1 was involved. Personal details that NE#1 learned about WE#1, like the color and make of WE#1’s car and the vicinity of her home, came from WE#3 rather than NE#1’s surveillance.

Further, while NE#1 gave OPA documents she made or kept concerning the rumor, they did not establish that she followed or surveilled WE#1. NE#1’s documents included records from WE#2’s EEO investigation into WE#3 and her purported observations, like seeing WE#4 at the West Precinct “at odd hours” and secondhand gossip about WE#1 and WE#4 traveling together. Ultimately, OPA cannot conclude that NE#1’s notes violated SPD’s professionalism policy, regardless of her motivation for taking them.

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

Recommended Finding: **Not Sustained - Unfounded**

Named Employee #1 – Allegation #2

1.110 – Public Information, 1.110-POL-1 General Policy, 2. Except as May Otherwise Be Authorized by the Chief of Police or His or Her Designee, Employees Shall Not Release Information to the Media or Related Outlets Other Than as Prescribed by This Policy

The Complainant alleged that NE#1 released information concerning the rumor to the media without authorization.

Unless authorized by the chief of police or his or her designee, employees shall not release information to the media or related outlets other than as prescribed by policy. SPD Policy 1.110-POL-1(2).

Like WE#2’s EEO investigation, after searching SPD email accounts, OPA found no email correspondence with a media outlet concerning the rumored affair. WE#3 told WE#2 that he “definitely did divulge” the rumored affair to at least one media member and said none suggested that NE#1 also spoke with them about it. NE#1 acknowledged speaking with a friend who happened to be in television media about the rumored affair but denied releasing details or her friend covering the story. Similarly, NE#1 acknowledged contacting another media member who did cover the rumor but denied providing that reporter with information. She said she contacted that reporter to request information rather than release it.

³ WE#1 told WE#2 about a Facebook group’s post with her and WE#4’s picture containing a salacious title.



Overall, the only indication that NE#1 released information to the media or “[contacted] media sources to damage [WE#1]” came from an anonymous complaint. OPA could not interview the anonymous Complainant to probe for details, and NE#1 vehemently denied “releasing details of anything.” Therefore, there is insufficient evidence to sustain this allegation.

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

Recommended Finding: **Not Sustained - Inconclusive**