



August 3, 2021

Interim Chief Adrian Diaz
Seattle Police Department
PO Box 34986
Seattle, WA 98124-4986

Dear Chief Diaz:

Please see the below Management Action Recommendation.

Case Number

- 2021OPA-0024 / 2021COMP-0036

Topic

- Medical Exemptions

Summary

- It was alleged the named employee (NE) refused to wear a face mask in a hospital.

Analysis

- The NE submitted a memo to SPD Human Resources (HR) in June 2020 requesting a medical exemption from the Governor and Chief's orders requiring face masks, as well as from SPD's facial shaving requirement. The memo did not include verification of a condition from a medical professional.
- In January 2021, the NE responded to a hospital as a backing officer in an investigation. At the hospital, the NE refused multiple requests from staff to wear a face mask until eventually complying.
- HR did not expressly approve or deny the request, nor require evidence of a medical condition. The NE was not moved from patrol duties to avoid placing him in close contact with others, despite the risks posed to the community in a pandemic.
- During OPA's investigation, two of the NE's medical practitioners issued letters to SPD supporting a medical exemption from SPD's mask and facial shaving requirements. Neither referenced breathing trouble as a reason for the exemption, as reported in the NE's June 2020 memo to HR.
- SPD must approve a medical exemption when it is warranted and if SPD can reasonably accommodate the employee. The accommodation should not compromise the safety of others or public trust in SPD.

Recommendation(s)

- Improve SPD HR administration of employee exemptions and comprehensively assess all employee requests for exemptions.
 - Require documentation from a medical practitioner confirming the medical reason for the exemption when the exemption impacts an employee's ability to safely perform their duties.
 - Reassign or restrict officers' patrol duties immediately if the exemption puts members of the community and/or the officer at risk.
- As the City has issued a new mandate requiring face masks while indoors, remind officers of their obligations to comply with this order and/or intervene or report when other officers do not do so.



Thank you for your consideration of this matter. I look forward to your response.

Sincerely,

AM

Andrew Myerberg
Director, Office of Police Accountability