

INVESTIGATION REPORT

November 20, 2024

TO: Lisa Judge, Inspector General
Seattle Office of Inspector General

FROM: Shayda Z. Le, Barran Liebman LLP

RE: Investigation Report Regarding 2024OPA-0286
Confidential

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

I. INTRODUCTION AND SCOPE

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

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

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

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

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

II. STANDARD OF PROOF

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

III. INVESTIGATION BACKGROUND

Statement of Independence

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

Witnesses Interviews

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

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

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

¹ [REDACTED] [REDACTED] was also scheduled for a follow-up interview on November 6, 2024. She notified me shortly beforehand that she no longer worked for the City of Seattle and would not be participating in any further interviews. I was therefore not able to talk to her about those topics which were planned for that interview.

- [REDACTED], Seattle Police Department: Interviewed on September 25, 2024²;
- [REDACTED], Seattle Police Department: Interviewed on September 30, 2024; and
- [REDACTED] Police Executive Research Forum: Interviewed on October 4, 2024.

Admonitions

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

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

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

Documentation

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

IV. COMPLAINT BACKGROUND

The complaints alleged that Adrian Diaz had an intimate or romantic relationship with [REDACTED]; that in his capacity as Chief of Police, he hired [REDACTED] to work for the Seattle Police Department (SPD); and that he did not disclose the existence of their intimate or romantic relationship.

Mr. Diaz met [REDACTED] in or around August 2022, and she was hired with SPD on or around June 8, 2023. There was speculation, conjecture, and rumors within SPD of the existence of a possible intimate relationship between the two. Some individuals noticed Mr. Diaz and [REDACTED] spending time together in different settings, and some individuals noticed Mr. Diaz's car parked in the vicinity of [REDACTED] residence.

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

Even if taken as true, those observations or conjectures would have established that Mr. Diaz and [REDACTED] spent time together or had a professional or personal relationship. They would not, by themselves, have established that Mr. Diaz and [REDACTED] had an intimate or romantic relationship. Therefore, for purposes of this investigation, interviews did not focus on individuals who had only conjecture to offer, or who had direct observations of interactions that would not have established the existence of an intimate or romantic relationship. Similarly, interviews did not focus on individuals who might offer only belief or opinion that an intimate or romantic relationship did not exist. In particular, the complaints indicated that Mr. Diaz's security detail ought to be interviewed.

V. EVIDENCE AS TO ALLEGATIONS

This section describes and summarizes information gathered from witness interviews and documentary evidence.

[REDACTED] denied any romantic or intimate relationship between herself and Mr. Diaz, and said that they were never more than platonic friends.

Mr. Diaz denied any romantic or intimate relationship between himself and [REDACTED], and said that they were never more than platonic friends.

Direct Statements About a Relationship

[REDACTED] reported that Mr. Diaz made statements directly to him which he categorized as "guy talk." [REDACTED] said that all of these statements took place before [REDACTED] was hired as an employee of SPD.

[REDACTED] said Mr. [REDACTED] joked that the people in their vicinity likely knew his name was Adrian because of how loud [REDACTED] was during their sexual activity.

[REDACTED] said Mr. Diaz told him [REDACTED] had a sex toy, specifically a Rabbit, for when Mr. Diaz was not around.

[REDACTED] said Mr. Diaz would receive and view text messages from [REDACTED], then comment out loud that he was "going to hell [be]cause of the life he was living."

[REDACTED] said on one occasion, he was in the car with Mr. Diaz and [REDACTED], where he heard the two of them joking about Mr. Diaz seeing a doctor to prescribe him sexual enhancement medication. On that occasion, [REDACTED] did not specifically hear Mr. Diaz reference [REDACTED].

[REDACTED] did not hear Mr. Diaz make any direct statements which would reflect a romantic or intimate relationship with [REDACTED].

[REDACTED] reported that Mr. Diaz made several direct statements to him about a romantic or intimate relationship with [REDACTED].

█ █ said on one occasion, they were driving on their way to a suit tailor, and Mr. Diaz said he and █ █ were romantically involved and sexually active.

█ █ said on one occasion, Mr. Diaz was talking about sexual activity with █ █ and expressed that he could not keep up with her level of sexual activity. █ █ responded that he could seek sexual enhancement medication to help.

On other occasions, █ █ said Mr. Diaz talked about the logistics and practicalities of divorcing his wife, in connection with furthering his relationship with █ █. Mr. Diaz told █ █ that he and █ █ wanted to be together, and he was thinking about leaving his wife. █ █ shared information from his own experience, and discussed process, spousal maintenance, and child support.

█ █ said Mr. Diaz told him that █ █ then-husband saw sexually explicit text and photo messages between Mr. Diaz and █ █ and was angry about them. Mr. Diaz relayed that █ █ then-husband was so upset that he threatened to tell her family in order to embarrass her. Mr. Diaz also said that he and █ █ were looking for possible discrepancies within the divorce paperwork in order to argue that █ █ was a liar and that anything he said about sexually explicit text and photo messages between Mr. Diaz and █ █ was not credible.

█ █ said that Mr. Diaz showed him a partially nude photo of a woman, on Mr. Diaz's phone. The woman's face was not visible in the photo. The perspective of the photo showed that she was lying on her side, her intimate parts were covered, and a tattoo was visible on the woman's ribs. He believed the tattoo was text, and spanned somewhere above her hip and below her armpit. █ █ understood Mr. Diaz to be showing him a photo of █ █.

When I asked Mr. Diaz about this photo, he denied the occurrence. He noted that █ █ was known to have a tattoo on her ribs, and that others may have been aware of that fact, because it was at times visible when she wore workout attire, and because there were some photos of the tattoo on her public Instagram account. Mr. Diaz provided me with a screenshot of one such photo from █ █ Instagram account. The account in question was public, and I separately verified that the photo he provided was in fact posted on her Instagram account. In the photo, her face is covered, and a portion of the tattoo is visible. Mr. Diaz also noted that █ █ followed █ █ on that social media account and therefore may have seen that photo on his own. The photo provided was posted on █ █ public social media page on November 4, 2018, predating her employment or involvement with SPD.

I showed █ █ the Instagram photo, with █ █ face covered, and asked him if it resembled the tattoo in the photo Mr. Diaz showed him. █ █ said that the text and the placement of the tattoo looked similar to the photo he saw, and the body looked similarly toned, but he made clear that he could not tell for sure. He noted that the orientation of the two photos were different, given that the one I showed him was of a woman standing upright, and the one Mr. Diaz showed him looked to be of a woman laying horizontally.

█ █ also described actions by Mr. Diaz which reflected intimate interactions with █ █. He said that he saw Mr. Diaz texting █ █ and could see the messages

included the use of heart emojis. ■■■■■ said he also observed a distinct change in Mr. Diaz's phone usage after it appeared that a relationship with ■■■■■ may have started.³ He noted that Mr. Diaz would regularly hand over both of his phones when he went into an interview or public engagement. Over time, he stopped handing over his personal phone to ■■■■■, he would use his work phone to shield the screen of his personal phone from view, and eventually got a privacy or security screen for his personal phone.

■■■■■ said that they specifically had conversations about the best way to communicate with ■■■■■ without getting caught. Based on his professional background and experience, ■■■■■ told Mr. Diaz that text messages and iMessages were easy to recover, and Mr. Diaz asked him what other platforms he could use. ■■■■■ understood that Mr. Diaz may have switched to using WhatsApp to communicate with ■■■■■. This conversation further confirmed that Mr. Diaz had reason to hide, and was attempting to hide, aspects of his interactions and communications with ■■■■■.

Mr. Diaz said that his security detail did not tell him to be more careful about using his phone or text messages to communicate with ■■■■■, and said they would not have known how he communicated. He said "after like the first month and a half [when] I knew that my potential [] coming out was on text, [] I just ended up doing everything in person. A lot of it was just phone call[s] and just meet in person[.]"

■■■■■ said at times, Mr. Diaz and ■■■■■ were on the phone together while ■■■■■ was driving Mr. Diaz. ■■■■■ said that if ■■■■■ knew Mr. Diaz was with ■■■■■, she would be more reserved in their conversation. He said, "she did not know that I knew about the affair, I remember [Mr. Diaz] saying to me, 'she doesn't know that you know, she only thinks that ■■■■■ knows.'"

I presented Mr. Diaz with the specific topics and statements referenced in this section and he denied them. He noted that ■■■■■ was not around during the timeframe when he met ■■■■■, so "■■■■■ and ■■■■■ would be the only conversations[.]" He said ■■■■■ and ■■■■■ have a close relationship and call themselves brothers. Mr. Diaz pointed out that when he asked ■■■■■ and ■■■■■ about what others were saying about the alleged relationship, they denied any relationship and called it rumor mongering; that when other people asked ■■■■■ and ■■■■■ about the alleged relationship, they denied any relationship and called it rumor mongering; yet, when I interviewed ■■■■■ and ■■■■■ for this investigation, they changed their story. Mr. Diaz said, "I just don't know what the truth is for them."

Separate from these direct statements which he denied, Mr. Diaz also said he never made indirect statements to anyone in SPD which could have indicated to them that he was in a romantic or intimate relationship with ■■■■■.

I asked Mr. Diaz why he thought multiple people would fabricate specific details about statements he made about an intimate or romantic relationship with ■■■■■. He said, "it's only two

³ ■■■■■ said he started providing part time security detail services to Mr. Diaz around the Spring or Summer of 2022, through late Summer of 2023.

people. It's between [REDACTED] and [REDACTED]. [REDACTED]'s sleeping with [REDACTED] and [REDACTED] is his brother ... [REDACTED] has \$5 million in a lawsuit against me – or against the City and some of that is [in] relation to, she's trying to piece it to, the relationship that I [allegedly] had with [REDACTED].”

I asked Mr. Diaz, “tell me if I’m understanding [your perspective] correctly. [REDACTED] is motivated to lie about you because she has a lawsuit riding on or supported by some of these details? And then [REDACTED] is going to make up lies about you in order to support [REDACTED] lawsuit because of his relationship with her? And [REDACTED] is going to make up lies about you, why? In order to support [REDACTED] relationship with [REDACTED]?” Mr. Diaz said, “[REDACTED] and [REDACTED] are just – they’re just together. They’re [] just joined at the hips[. B]ut I can tell you the rest of the detail isn’t in any of this conversation, and if they are, they – they surely [were] never a part of any conversations. [REDACTED] was never mentioned in any of those conversations with any other parts of the detail.”

To the extent that Mr. Diaz felt that [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were motivated to lie about him, I asked him why they would not have spread those lies further than the present investigation. I asked him, “what I’m hearing you say is that when other people within the Department [] talk[ed] to people in your security detail, your security detail was [] adamant about [saying], ‘this is bullshit, these are rumors, we haven’t seen anything, there’s no truth to this relationship.’ In the context of this investigation, they’re sharing specific details [with me] about what they believe to be a relationship between you and [REDACTED]. Why do you think they would take a different approach? [If] they’re motivated by [REDACTED] lawsuit or by [REDACTED] relationship with [REDACTED], why only share that within the context of the [confidential] investigation [but] outwardly [] keep the same face that you have been presenting?” Mr. Diaz said, “[b]ecause I think that they told some people that there was a relationship, whether it was [REDACTED] [or others], and then they were going to end up getting dinged for lying.”

During Mr. Diaz’s October 1, 2024, interview, I asked if he would be willing to voluntarily provide phone records between himself and [REDACTED] [REDACTED]. I noted that a number of the witness statements alleging direct statements by Mr. Diaz about the existence of an intimate or romantic relationship with [REDACTED]. [REDACTED] connected in some way to personal electronic communications between Mr. Diaz and [REDACTED] [REDACTED]. I noted that if he was willing to voluntarily provide his phone records, that would be a way of undercutting or disproving those allegations. After exchanging a few emails on the topic, Mr. Diaz, through his lawyer, informed me on November 5, 2024, that he would be willing to work with a third-party provider to collect and provide the relevant communications. As of the preparation of this report, those records had not yet been collected.

I did not have the opportunity to discuss these specific statements with [REDACTED] [REDACTED]. She was scheduled for an interview on November 6, 2024, but she declined any further participation in the investigation upon her resignation from SPD. As a result, I also did not have the opportunity to ask her if she would voluntarily provide phone records between herself and Mr. Diaz.

Time Spent Together

[REDACTED] [REDACTED] said that he drove Mr. Diaz, in his capacity as part of the Chief’s security detail, to meet with [REDACTED] [REDACTED] before she was an employee of SPD, such as when the two of them met for dinner. He said that after [REDACTED] [REDACTED] became an employee of SPD, Mr. Diaz seemed to

largely stop using the assigned security detail to drive him to meet with [REDACTED]; instead, [REDACTED] understanding was that the time they spent together, Mr. Diaz facilitated without his drivers.

[REDACTED] took an alternative assignment for a period spanning June 2022 to approximately March 2023, and was not actively part of the Chief's security detail for that duration. He said that when he had occasionally driven Mr. Diaz and [REDACTED] together, it was after she was hired at SPD, and such occasions appeared to be work-related.

[REDACTED] said he was aware that Mr. Diaz spent a substantial amount of time at [REDACTED] personal residence after she moved to downtown Seattle within close proximity of the West Precinct.

[REDACTED] explained the nature of the time she spent with Mr. Diaz. She said that they met a number of times to discuss the possibility of her taking a position with SPD as Chief of Staff. She said that some of these conversations took place in the evenings, when she had a break at work between the 6:00 PM news and the 9:00 PM news. She said they met a "handful" of times for dinner, either at a nearby Mexican restaurant, or once at an Italian restaurant.

Once she moved her residence to downtown Seattle, to a building adjacent to the West Precinct, they met "at least a dozen times" over the course of five or six months before she took the position. On some of those occasions, [REDACTED] and Mr. Diaz met with another of her former colleagues who lived in the same building and was interested in the role of Communications Director at SPD. At least one of these visits took place in the boardroom available in the building, not within [REDACTED] own residence. On some of those occasions, Mr. Diaz helped [REDACTED] with small household tasks, given that she had recently moved to a new residence. At least one of those visits took place while others were present, including [REDACTED] former colleague. On at least one occasion, Mr. Diaz met in the boardroom with another friend of [REDACTED], a Captain from the King County Sheriff's office, to help him with a promotional exam.

At some point, [REDACTED] heard from others that she was being surveilled by SPD employees. The concierge at her building also notified her that uniformed officers had come to the building around midnight and asked if she lived there. When she informed Mr. Diaz that this caused her concern, he came to her building on several occasions to attempt countersurveillance. She said that from certain common areas of her building, including from the dog run, there was visibility to the street outside from an elevated vantage point, as well as visibility to the parking lot of the West Precinct, and a view of the street from her living room windows. She said Mr. Diaz spent some time at the dog run for the purpose of countersurveillance.

[REDACTED] said that after she took the Chief of Staff position with SPD, she did not believe that she spent any social time with Mr. Diaz, setting aside the times he came to her residence in connection with surveillance concerns.

Mr. Diaz explained the nature of the time he spent with [REDACTED]. He said, "[w]e had a lot of conversation. A lot of it was about my sexual orientation because I came out as gay to her[.]" He said they went to dinners together, which was driven in part by her work schedule—her break was

typically between 7:00-9:00 PM. He said some of the time spent together was in discussion about the Chief of Staff position and related onboarding. In January 2023, he helped her move into her new residence. He said some of the time spent at her building was in common areas, and with other people who were friends of [REDACTED], including to meet with her friend who was interested in a position with SPD in communications. Mr. Diaz roughly estimated that he might have spent time with [REDACTED] 20 times between January 2023 and May 2023.

Mr. Diaz said he heard that [REDACTED] was being surveilled by SPD employees. He estimated that this might have been around February 2023. He said [REDACTED] was nervous about this, and he therefore went to her building on several occasions to attempt countersurveillance. He said that most of the time he spent at her building took place in common areas, such as the dog walk or mingling space, where the vantage point “allowed me to look down to see if anybody was actually trying to surveil on her.” When I asked Mr. Diaz if he ever saw anyone he recognized from SPD while he was undertaking countersurveillance, he said, “well, I was right next to the West Precinct so it’s hard – yeah you saw a lot of personnel, but it’s hard to distinguish what is the surveillance and what isn’t.”

Background Check

[REDACTED] said that Mr. Diaz asked him to undertake training related to background checks, which was not otherwise part of his duties, and assigned him to conduct the hiring background check for [REDACTED]. Mr. Diaz had not asked [REDACTED] to perform any other employee background checks up until then, and in explanation for this request told him only that the background unit was too slow. When Mr. Diaz directed [REDACTED] to take the training for the purpose of conducting [REDACTED] background check, [REDACTED] initially “just said okay” and did not express any reservations.

After [REDACTED] completed the training, he said he told Mr. Diaz that he did not feel comfortable conducting [REDACTED] background check. He felt that with all of the Department rumors about Mr. Diaz and [REDACTED], deviating from the typical process of running all background checks through the designated background unit might put him in the middle of difficulty. Once he expressed that he preferred not to conduct [REDACTED] background check, Mr. Diaz then said he also planned to have [REDACTED] perform background checks for other hires on the eighth floor. [REDACTED] said it took him saying no “a few times” before Mr. Diaz had the background check completed by someone else.

[REDACTED] recalled that Mr. Diaz asked [REDACTED] to undertake training related to background checks. He said the request seemed unusual, in light of the fact that a dedicated background unit was charged with conducting all of the background checks. His recollection was that once there was some pushback, Mr. Diaz then said that [REDACTED] would start with [REDACTED] background check and then conducting other background checks for hires on the eighth floor.

[REDACTED] said that he talked to Mr. Diaz about the request that [REDACTED] conduct [REDACTED] background check. He told Mr. Diaz that it “was a bad look” to complete her background check through [REDACTED] instead of through the backgrounding unit. [REDACTED]

told Mr. Diaz that it would look as if something was not right or as if things were not being done the right way. I asked [REDACTED] if Mr. Diaz ever indicated to him that [REDACTED] would be conducting background checks for any other positions, and he said no. I asked [REDACTED] if Mr. Diaz ever explained to him why he wanted [REDACTED] to conduct [REDACTED] background check. He said he did not recall any reason being given. He believed that Mr. Diaz may have been trying to keep the information about their romantic or intimate relationship in a tight circle, that other SPD employees talking to [REDACTED] for her background check may have uncovered information about their romantic or intimate relationship, and that [REDACTED] had already been informed about the relationship and therefore did not pose that risk.

Mr. Diaz said that he intended [REDACTED] to get trained on background checks so that he could conduct background checks for hires on the eighth floor, and allow the background unit to focus on sworn officers. He said his initial directive to [REDACTED] was not limited to [REDACTED]. He recalled that [REDACTED] said he would do so and did not raise concerns, and then took the relevant training. Mr. Diaz said, “then something happened where somebody from the Mayor’s detail went back to background. Somebody from Harbor ended up having a medical issue and ended up going to background, so background ended up getting staffed with more people.” As a result of additional employees being added to the background unit, Mr. Diaz had the background unit conduct all background checks, including [REDACTED].

Mr. Diaz said that [REDACTED] did not tell him he preferred not to do [REDACTED] background check because of the rumors and circumstances swirling. Mr. Diaz said, “[h]e just said he’d prefer not to do it because, he goes, ‘I do so many other things.’ He goes, ‘[REDACTED] doesn’t do anything.’”

Mr. Diaz said that [REDACTED] never told him it would be a bad look for [REDACTED] to conduct [REDACTED] background check. He said, “[t]he only thing that [REDACTED] said [] was [about] rumors. He goes, ‘maybe you shouldn’t hire her.’ And I go, ‘she’s fantastic. She hasn’t done anything wrong, and I’m hiring her.’ That’s what he said.”

[REDACTED] said Mr. Diaz did not talk to him directly about the background check for [REDACTED], and he was not aware of the particulars behind the request. [REDACTED] became aware of the general circumstance when he heard an offhand comment from [REDACTED] about being asked to do the background check, and then went to the HR Director to ask what was going on. [REDACTED] recalled that [REDACTED] told him at no time had anyone other than their backgrounding unit performed a background check. [REDACTED] clarified if that statement included [REDACTED], and [REDACTED] confirmed. [REDACTED] said, “[m]y takeaway from [REDACTED] was the request happened, it was a terrible idea, we put an end to it. But if Adrian had asked that [REDACTED] do [REDACTED] background, that would be highly irregular.”

[REDACTED] explained that their backgrounding unit was completely backed up, and he could understand the notion of bringing on [REDACTED] if he had extra time and completed the relevant training. He said, “if this was a more global thing, and [REDACTED] had time to use for other things, the Chief could say, ‘why don’t you ... [get] trained up on backgrounds and work for the backgrounding unit.’” But [REDACTED] added, “[w]e have a background unit that does all of our backgrounds and you don’t get to pick who does it. You can’t say ‘I want this person, not in the

backgrounding unit, to conduct this background for whatever my purposes are' ... It becomes very problematic [if] the Chief [were to] choose[] who in particular gets backgrounded by [REDACTED] – but I don't know that that happened."

When we spoke more generally about the background check processes, [REDACTED] [REDACTED] noted that he would have expected specific background check assignments to [REDACTED]. [REDACTED] to come from the background unit, as opposed to being assigned by the Chief. He acknowledged that there may have been past instances where a specific new-hire's background check was time sensitive, and where he or the Chief may have asked for the check to be expedited, but not for it to be performed by a certain person. He said, "[i]f you're directing who is doing the background, the question becomes why." [REDACTED] [REDACTED] also acknowledged that it would be wholly within the discretion of the Chief to change those processes. He noted, "[t]hat being said, if Chief came to me and said here is what I want to do, I would say, 'you shouldn't do that, it's going to look bad, it's arbitrary, it's going to look like you're trying to do something untoward.'" [REDACTED] [REDACTED] was not aware as to whether additional employees were added to the backgrounding unit such that [REDACTED] [REDACTED] help was not ultimately needed.

Again, [REDACTED] [REDACTED] was not aware of the particular details surrounding Mr. Diaz's request to [REDACTED] [REDACTED]. Specifically, he was not aware whether Mr. Diaz had asked [REDACTED] [REDACTED] to perform only [REDACTED] [REDACTED] background, or others as well. I asked [REDACTED] [REDACTED] what he thought of Mr. Diaz asking [REDACTED] [REDACTED] to take the relevant training, to perform [REDACTED] [REDACTED] background check, and then to proceed to conduct other background checks for the eighth floor. [REDACTED] [REDACTED] said that would still have been an unusual deviation from process. He said, "I would argue that a hire on the eighth floor should be more transparent. I would not want a specialized process for hiring on the eighth floor. The Chief has the authority to appoint exempt positions without a hiring process, just tap people. He gets to do that, but then that person is then backgrounded by the Department. I would have opposed any specialized backgrounding for exempt employees, which is what that would be."

[REDACTED] [REDACTED] was aware that [REDACTED] [REDACTED] was under consideration for conducting background checks, but he did not recall many specifics of the situation. He did not recall, for example, that [REDACTED] [REDACTED] completed the training. [REDACTED] [REDACTED] did not recall having any specific discussion with Mr. Diaz about the advisability of this course. [REDACTED] [REDACTED] did not recall [REDACTED] [REDACTED] coming to him with questions or concerns about [REDACTED] [REDACTED] conducting background checks for either [REDACTED] [REDACTED] or for the eighth floor.

[REDACTED] [REDACTED] thought the suggestion was related to the backlog in the backgrounding unit, and challenges around the timing of completing background checks. He said, "I think the idea was that if [REDACTED] became trained, he could do background for us, including I think [REDACTED] was specifically mentioned." [REDACTED] [REDACTED] did not recall whether [REDACTED] [REDACTED] was from the beginning asked to conduct both [REDACTED] [REDACTED] background check as well as others for the eighth floor, or if [REDACTED] [REDACTED] was initially asked to conduct only [REDACTED] [REDACTED] background check, with a later request or suggestion that he conduct other background checks for the eighth floor.

[REDACTED] [REDACTED] said that generally, the Sergeant in charge of the backgrounding unit would assign specific files based on workload amongst the Detective staff. He said the Chief could certainly

ask for a specific file to be expedited, but if the Chief were to ask for a specific person to conduct the background check, “I guess there’d be more questions, people [would] wonder why.”

Mr. Diaz said that neither [REDACTED] nor [REDACTED] ever expressed to him that they had concerns about the prospect of [REDACTED] conducting [REDACTED] background check.

[REDACTED] Position and Role

As an initial matter, the complaint alleged that [REDACTED] reported to someone other than Mr. Diaz when she was first hired, but later or ultimately reported directly to Mr. Diaz. The majority of the people interviewed, including Mr. Diaz and [REDACTED], acknowledged that [REDACTED] reported directly to Mr. Diaz.

Chief of Staff as a Formal Position

[REDACTED] did not recall specific details about Mr. Diaz’s thought process or justification for hiring a Chief of Staff. He said he thought the position was about “just needing someone to kind of, in an overarching way, you know, be the interface point with the Chief’s office, whether it be Mayor’s office, Council, etc. So just to have that kind of overarching look and have that person be on Command Staff.”

[REDACTED] said that he could not recall, within the past ten years, someone hired with the title of Chief of Staff. He said there were other people who functioned as an aide to a Chief, or might have been called a Chief of Staff because of the role or duties they ultimately performed, but not with that official title. The last such person he could recall worked for SPD close to 12 or 13 years prior. He said, “I’ve been in this role for 10 years and there have been no Chiefs of Staff until [REDACTED] during those 10 years. But yeah, if you go way back, [] in the 15-year sort of range there – there were a couple. A little bit different since they were both [] sworn employees who were existing Command Staff Members, [] Assistant or Deputy Chiefs, who then through some reorg at the time moved into the title of Chief of Staff.”

[REDACTED] indicated that he was somewhat surprised about the addition of a Chief of Staff position. He said, “[w]hen [REDACTED] was brought in, I was surprised to hear that Chief of Staff was being floated for her in particular. I think prior to her arrival we had talked about the need to organize Command Staff better, and get better workflows, and we actually talked [about] whether [an existing] senior executive assistant could fill that role. We talked about the need to coordinate all of the executive assistants and the associated executives a little bit better. So, I think we talked around a Chief of Staff idea, but I don’t know that we talked specifically about getting a – another position added to that. But I could just be forgetting.”

[REDACTED] said that historically, his position as [REDACTED] was formerly called the Chief of Staff, and explained, “then we’ve had a – what’s typically called an adjutant, which is a person that assists the Chief and is sort of a single driver assistant, helper, that is usually sworn. In fact, I think that position always is.” [REDACTED] said there were also “permutations” of a Chief of Staff, where people who held other official titles either simultaneously functioned as, or were to some extent referred to as, a Chief of Staff. He said, “[REDACTED], I’d heard at some point that he

was called the Chief of Staff ... he was really into and focused on strategic initiatives, when I [] left in 2018, his [] title was Director of Strategic Initiatives. I understood that he kind of morphed into a Chief of Staff where he was helping to organize Command Staff and serving very closely with then [] [] ... [] was the former Deputy Chief of Administration. He held the title of Chief of Staff. [] also was the [] Deputy Chief of Administration. He too held the title of Chief of Staff. We had a [] [], that was kind of in that [] adjutant role with [] [] and he at one point held the title of Chief of Staff. That would be the closest one that I can think of where the title and the function started to come together.” [] [] said he did not believe these individuals formally held the title of Chief of Staff, even if some people were referred to in that way.

When I asked [] [] if he was a Chief of Staff at SPD, he said, “[n]ot by title, but by function.” He was the Chief Strategy Officer, or Executive Director of Strategic Initiatives, but said that “[f]or all practical purposes, for [], [], Diaz, it was like a Chief of Staff ... I did the type of duties a Chief of Staff did.” When I told [] [] that I had heard from other interviewees that there was no Chief of Staff title at SPD within the last ten years, he said, “I started at SPD in 2016. From that moment, until I left towards the end of 2021, I did that role. I didn’t have that title for a variety of reasons. [] liked more of the C suite, [] did not like civilians having Chief in the title, that’s why she gave me ED. I got the sense that someone had always played the adjutant role. There’s always somebody who is organizing on behalf of the Chief’s office to keep projects and [] communications with the Mayor’s office, somebody who that was their main job, to me that is what a Chief of Staff is.”

[] [] did not understand the scope of [] [] role and duties as Chief of Staff. He noted that, to his knowledge, there had not been a Chief of Staff position in SPD previously, so it appeared that the position was created for [] [].

[] [] similarly said he was not aware of a prior Chief of Staff position at SPD, so it appeared to him that the position was created specifically for [] []. He was not clear on the utility of the role, or the scope of her role or duties, and said he believed her position was part of the Public Information Office.

Mr. Diaz disagreed with [] [] assessment. He said that there were several other individuals who functioned as a Chief of Staff or Chief’s Aide, or who were considered the “number two” in the Department, even if that was not their formal title. He noted that he always referred to [] [] as his Chief of Staff.

Mr. Diaz explained that he did not create the Chief of Staff position for [] []; he said the position had existed previously and had been filled by other people, in a sworn capacity. He noted that the position was sometimes called a Chief’s Aide and functioned as a right-hand person to the Chief. Mr. Diaz provided me with the names of several people he said held the position of Chief of Staff in the past. He said he decided to hire a Chief of Staff well before he ever met [] [].

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

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

Job Description

██████████ said he did not believe there was ever a job description developed for ██████████ role as Chief of Staff. He noted that the job was not posted or advertised, since she was appointed directly by the Chief, so a job description would not have needed to be generated for that purpose. He said that a Job Summary Qualification (JSQ) was developed for her position at some point, but it was done after her hire, it was never finalized, and it was never submitted. He explained that a JSQ is generally intended to facilitate a classification determination, so it would go into more technical detail than would be relevant for a job description. He was unaware whether all of the elements described in the draft JSQ had been implemented as of the time of its drafting, or if some elements were intended for a future state. He said, “and it was never finalized or submitted, so I’m not sure it’s a perfect analogy for what the [] job was or was intended to be, but at a point in time it was a draft of what we were going to submit to class comp.”

██████████ said he did not believe there was ever a job description for the Chief of Staff position; he recalled some work done on the JSQ, as a reclassification document.

██████████ said she believed ██████████ had a job description for her role. She also noted that things changed substantially upon her arrival, because the Director of Strategic Communications resigned before ██████████ started her position, and as a result, ██████████ took on many of the pieces of that role as well.

Mr. Diaz said both ██████████ and ██████████ were incorrect about the job description. He forwarded me an email from ██████████, dated November 21, 2022, which he said contained the job description. The attachment to that email was a job description for the Director of Strategic Initiatives and outlined the duties of that role. When I clarified that what I sought was a job description for the Chief of Staff position, Mr. Diaz said “[t]his is the draft title but ultimately, we called it [C]hief of [S]taff. [I]t’s the same position.” I clarified further that Mr. Diaz had previously told me he hired ██████████ for the separate role of Director of Strategic Initiatives, so it did not appear that was the same position. Mr. Diaz did not respond further.

Hiring of ██████████

██████████ did not recall specific details about Mr. Diaz’s thought process or justification for hiring ██████████. He said Mr. Diaz did not seek his approval for the hire, but noted that Mr. Diaz thought ██████████ would be “great for the role. I’m trying to think of any other specific examples of why, just that she – just that she’d be a great fit for the role. That’s all I’m really remembering.”

██████████ explained that he was somewhat unsure about ██████████ selection for the Chief of Staff role. He said, “[w]hen I understood that ██████████ was coming in, I was unclear as to what her

role was going to be ... It was never fully articulated the scope of what she was going to do as Chief of Staff. I do think there was – he did mention that one of the things he wanted to have her do was to help manage a lot of his board interactions, and he was on the board of the Police Executive Research Forum and the International Association of Chiefs of Police, which has a lot of content and just management around the responsibilities on the board.” He said Mr. Diaz did not seek his approval for the hire, but noted that he raised a number of points for Mr. Diaz’s consideration, asking how [REDACTED] background, organizational skills, and managerial experience would translate into being a Chief of Staff. [REDACTED] said that Mr. Diaz “certainly had answers for some of those questions, but it really came down to [REDACTED] managing a newsroom and [she’s] the anchor, and [she’s] the point person and there’s a lot of people that have to support [her]. It was unclear to me still whether that was a direct management position that she had back in the Fox newsroom, but that seemed to satisfy him, that she was responsible for producing content on a deadline with many people[.]”

[REDACTED] said that Mr. Diaz articulated some of the bases on which he thought [REDACTED] would be a good hire for SPD. He said, “[Chief Diaz] certainly talked to me about wanting to bring in [REDACTED] because of her vast experience, the fact that she had won Emmy’s. That in order to increase creativity in telling our own story, I believe he had a vision for sort of an SPD TV that would highlight and showcase a lot of different aspects of the Department, provide Chief’s messages, and he believed that she would develop that creative content. The rest of the position of, you know, a Chief of Staff or what that is historically in police departments, we had conversations around it but I never quite understood the vision there ... he clearly valued [REDACTED] as [] a creative force for the Department and [] she’s done a lot of things that have been pretty impressive along those lines.”

[REDACTED] said that when he left his role in the Department and Mr. Diaz was looking to replace the role, they both felt it might be difficult to backfill his duties, given that he performed a mix of data, strategy, and executive communications. [REDACTED] said that subsequently, “[i]n a call, [Mr. Diaz] told me, ‘I think I want to hire a Chief of Staff, I’ve identified someone really good, organized, good at writing, but they’re outside of the Department, how do you think that will go over?’ ... I think he wanted someone who was organized and [would] keep his office on point, and do a lot of writing. He said they were a reporter, [did] criminal justice stuff, [and said], ‘I think it would be a good fit for what I need right now, and will lean on other people for strategy, data, research, and I’ll have someone who can run the office and help with my speech writing.’”

[REDACTED] said that he had a direct conversation with Mr. Diaz about some of the potential risks behind hiring [REDACTED]. At the time of that conversation, she had not yet been hired, he knew Mr. Diaz wanted to hire her, and there were many rumors within SPD about a romantic or intimate relationship between Mr. Diaz and [REDACTED]. [REDACTED] said he felt “fairly close” to Mr. Diaz at the time, in part because Mr. Diaz had confided in him about the relationship with [REDACTED] and about a potential divorce. [REDACTED] conveyed to Mr. Diaz that it would be a bad idea to hire [REDACTED] in light of all of the open rumors and suspicion that the two of them were in a romantic or intimate relationship. Mr. Diaz responded with reasons supporting her hire, such as her background, experience, and media presence. [REDACTED] agreed that her background was impressive and could serve as a basis for hiring her, had Mr. Diaz not engaged in a personal

relationship with [REDACTED]. Ultimately, [REDACTED] said Mr. Diaz said he was the Chief and was making the decision.

[REDACTED] said Mr. Diaz hired her as Chief of Staff because of her commitment to results, ideas, thinking outside the box, to improve his communications, and to help improve his interactions within and outside the Department. She noted that she wrote many of his communications and emails herself.

Mr. Diaz said that he met [REDACTED] around August 2022 when she did a story about him, and she told him at the time that she eventually wanted to leave the news business. Around November or December of 2022, he had discussions with her about the possibility of working for SPD.

Mr. Diaz said, “I couldn’t put in a lieutenant or captain in that position because [we were short staffed]. So [] I hired a civilian to be able to do that work.” Mr. Diaz also noted that he considered another reporter for the role of Chief of Staff. He said, “[REDACTED] wasn’t the only one I was looking at initially, [] I actually offered a role for another reporter before that and that was – they worked for KIRO as an anchor and I met with her on several – like lots of occasions. Probably at least 15-20 times too, hoping that she might be taking it, and when she said no then I had to look somewhere else.” He said he spoke with the other candidate about a Chief of Staff role before or around March 2022.

Mr. Diaz said he hired [REDACTED] for the Chief of Staff position because she had experience covering politics, she ran a number one show for years and he wanted to bring in a communications specialist to help him because he was an introvert. He also hoped that they could create their own media content for SPD, and he sought to hire a videographer to partner with [REDACTED].

I asked Mr. Diaz why he was hiring for communications expertise for a Chief of Staff when he already had someone performing a role as Director of Strategic Communications, [REDACTED]. He explained that he was an introvert, and that the Director of Strategic Communications did not help him with his own personal communications, such as how to speak or how to handle things. For example, he felt that [REDACTED] was inclined to tell him he had done a good job during media interviews, where [REDACTED] was inclined to be more honest and critical and to coach him on improvement. He noted that before [REDACTED] left the Department, he found [REDACTED] speechwriting to be more effective, whereas he felt that [REDACTED] struggled to some degree to deliver what he wanted. As a result, [REDACTED] expertise in communications was of additional value.

[REDACTED] did not recall Mr. Diaz considering or attempting to hire another reporter for the role of Chief of Staff, before offering the position to [REDACTED].

Division and Overlap Between Chief of Staff and Director of Strategic Communications

[REDACTED] said he did not know, or did not have a recollection, about the intended substantive division of duties between [REDACTED] as the incoming Chief of Staff, and [REDACTED] who was at that time the Director of Strategic Communications. He noted that [REDACTED]. [REDACTED] “was never on

Command Staff per se, so that was one substantive difference between [REDACTED] and [REDACTED] role ... [REDACTED] would come to Command Staff and attend as more of an observer.” I asked [REDACTED] [REDACTED] if the distinction of being or not being on Command Staff, in and of itself, would indicate that [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were not equals in position or hierarchy. He said possibly, but he thought that both employees were classified as Strategic Advisor 3s (Strat 3s).

[REDACTED] [REDACTED] said that Mr. Diaz did not specifically discuss his plans or ideas around the intended substantive division of duties between [REDACTED] [REDACTED] as the incoming Chief of Staff and [REDACTED] [REDACTED] as the Director of Strategic Communications. He said, “I believe the reporting structure was [REDACTED] was going to report to [REDACTED] [REDACTED].”

[REDACTED] [REDACTED] said her understanding was that she would come in as Chief of Staff and would have the same rank as the Director of Strategic Communications, where they would work in tandem, and both would report to the Chief.

Mr. Diaz said that his intention was for [REDACTED] [REDACTED] and [REDACTED] [REDACTED] to be equals. Mr. Diaz said that his plan was to complete a search for Assistant Chief, and once that was done, if there was an available Exec 1 position, he intended to put [REDACTED] [REDACTED] in that position. He acknowledged that this did not happen, but noted that [REDACTED] [REDACTED] resigned before the Assistant Chief search process was completed. He noted that [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were both Strat 3s, but acknowledged that [REDACTED] [REDACTED] position was a part of Command Staff, where [REDACTED] [REDACTED] position was not part of Command Staff though she attended Command Staff meetings. After other position reorganizations within the Department, Mr. Diaz ended up with an available Exec 2 position. He said, “I was going to look at moving [REDACTED] into that [Exec 2] [be]cause she was [] doing two positions. And then I can take that [] Strat 3 position and then I can then hire the comms person.”

Mr. Diaz said that the original intentions for [REDACTED] [REDACTED] role changed somewhat, because with the departure of the Director of Strategic Communications, [REDACTED] [REDACTED] ended up taking on some of that position’s tasks and duties. Once [REDACTED] [REDACTED] left SPD, Mr. Diaz eventually promoted [REDACTED] [REDACTED] to Lieutenant, to fill [REDACTED] [REDACTED] role, and then he had [REDACTED] [REDACTED] report to [REDACTED] [REDACTED].

[REDACTED] [REDACTED] Duties and Supervision

With respect to [REDACTED] [REDACTED] supervision of other SPD employees, [REDACTED] [REDACTED] said, “as things developed, there were certain aspects of our personnel management that just are not placed in a logical – we don’t have a – have a likely source for them. For example, the management of the detail and the Mayor’s detail. That does not neatly fold up under any of our administrative systems.”

[REDACTED] [REDACTED] said he was unclear as to why the Executive Protection Unit’s reporting chain was moved to report to [REDACTED] [REDACTED] after her hire, when previously they had reported to an Assistant Chief. Mr. Diaz did not provide them with any explanation about the change in reporting. [REDACTED] [REDACTED] said the new reporting structure resulted in changes only to who signed their time-sheets, and who decided upon training assignments; the details of their work did not otherwise run through [REDACTED] [REDACTED].

■■■■ also noted that the Executive Protection Unit was moved to report to ■■■■ after her hire, but her primary oversight of their unit was to sign their timesheets. He said the Public Information Office ultimately reported to her as well.

Mr. Diaz said that he eventually had both Communications and Executive Protection report to ■■■■. He explained that the Chief of Staff would handle the security detail's timesheets and travel logistics, but if it came to any substantive management of the security detail, including where the Mayor might have requests related to the security detail, those would go through the Chief.

■■■■ also said that ■■■■ appeared to work remotely to a greater degree than other SPD employees. He said that under Mr. Diaz's leadership, the general expectation was that employees needed to be physically present at work on most or all days.

■■■■ said that she was not aware of any specific expectation around how often she or others were permitted to work remotely or expected to work from the office.

Mr. Diaz said that another employee, ■■■■, had a similar schedule in that she worked three days a week from the office. He noted that it was not until July 2023 that they started taking the position that Command Staff and Executive Assistants should be in the office five days a week.

Handwritten Card

■■■■ reported that he found a hand-written greeting card in the Toyota Highlander that was assigned to him. As part of their regular duties, the security detail maintained their assigned vehicles, periodically cleaned them out, and organized relevant supplies for the vehicles. As he was cleaning out the vehicle, on or around May 27, 2023, he found a greeting card in the storage seat pocket behind the front passenger seat. ■■■■ provided me with the original card.

The envelope was addressed to "AZD" and inside was a Papyrus birthday card with an Ewok on the front. The interior of the card included a handwritten message, as follows:

Adrian, When I think about you, I think of the first time I saw you smile. You were so shy, but sweet. And I loved the way you chose your words so carefully. I wondered what you were filtering out. What made you tick? What made you laugh? Why would a person want to take on such a challenging role? Now that I know you, I know the answers to those questions. What I did not expect was how knowing you would bring me closer to me. More in line with who I am. How I feel. What I want. Where I want to go. Before I knew you, I didn't really know me. You woke me up. Like a prince in one of your Disney movies. I hope I always know your kiss. I hope I always feel your influence. I hope to always know you and me. I love you, Me.

■■■■ noted that "AZD" stood for Adrian Zane Diaz. He did not readily recognize the author's handwriting, but thought that it might have been written by ■■■■, given the circumstances and the status of conjecture about a potential relationship. He said that finding the card "scared the shit out of us." ■■■■ explained, "[w]e didn't know what to do with it. Who do you give it to? Do you give to, you know OPA, EEO, I mean I don't trust them. We didn't trust them. [Chief Diaz

was] getting all the information [from them]. What do you do with it?” He explained that he was afraid of backlash and retaliation, because he was the one who found the card. He told [REDACTED] [REDACTED] about finding the card, showed it to him, and then just held onto it.

[REDACTED] [REDACTED] also provided a handwritten note given to him and signed by [REDACTED] [REDACTED], as a point of handwriting comparison.

[REDACTED] [REDACTED] said that [REDACTED] [REDACTED] found the greeting card in the assigned Toyota Highlander, and showed it to him. He described a handwritten letter which was addressed to “AZD,” explained that Mr. Diaz liked to be called “AZD,” and noted that [REDACTED] [REDACTED] at times called him “AZD.” [REDACTED] [REDACTED] said that the card referenced kisses between Mr. Diaz and the author of the card. He explained that he and [REDACTED] [REDACTED] were worried about bringing the card forward for fear of retaliation by Mr. Diaz. He said, “[if] we bring that up, what happens to us? Even right now. [Adrian] is going to know there’s only one person who drove that car, and it’s [REDACTED].”

[REDACTED] [REDACTED] also provided a handwritten note given to him and signed by [REDACTED] [REDACTED], as a point of handwriting comparison.

Mr. Diaz was presented with the greeting card during his interview. He said that he did not have any recollection of receiving the card, he did not know who wrote the card, he did not recognize the handwriting on the card, the content or context of the card did not indicate to him who might have had those sentiments about him or written the card, and that nobody ever raised the topic of the card or asked if he had received a card they had left for him.

Mr. Diaz noted that several people know about how much he loves Disney, and that several people had keys and access to the security detail vehicles where the card was found. He also considered whether someone could have written the card as a joke, or to frame him.

[REDACTED] [REDACTED] was presented with the greeting card during her interview. She said that she did not author the card, and she was not aware of who had. She was asked to provide a handwriting sample during her interview.⁴

A handwriting analysis was conducted by Robin D. Williams, MFS, MS, D-BFDE, of OMNI Document Examinations, to evaluate the potential author of the handwritten greeting card. The Report of Findings provided an explanation of the process utilized, with inclusion of handwriting samples from four different authors, as well as documents known to have [REDACTED] [REDACTED] handwriting, including notes that she gave to [REDACTED] [REDACTED] and [REDACTED] [REDACTED], documents she signed and provided to SPD bearing her address and signature, as well as publicly available

⁴ The specific sample was requested under the direction of the handwriting analyst. The handwriting analyst instructed that a first part to the sample should be collected, and after an imposed break in writing, a second part to the sample should be collected. During her interview, [REDACTED] [REDACTED] was asked to provide a single handwriting sample, without an imposed break in writing. As a result, [REDACTED] [REDACTED] was asked to return to OIG offices, so that she had the opportunity to provide the appropriate two-part sample, which she did.

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

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

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

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

Other Information

Command Staff Meeting

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

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

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

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

- U.S. v. Wolfish, 525 F2 457 (2 Cir. 1975); cert denied, 96 S. Ct. 794 (1976).
- U.S. v. Shively, 715 F2 260 (7 Cir. 1983); cert denied 79 L Ed2 233, 1104 S. Ct. 1001.
- U.S. v. Jackson, 886 F2 838, 28 Fed Rules EviServ 1141 (7 Cir. 1989).
- U.S. v. McDougal, 137 F3 547 (8 Cir. 1998).”

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

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

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

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

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

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

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

If you hear these rumors – shut them down.

If you have been spreading them – knock it off.

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

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

Mr. Diaz said he did not generally deviate from the text of the prepared draft.

██████████ was present at the Command Staff meeting, and was familiar with the draft statement prepared in advance of the meeting. He said, "I do remember feeling afterwards that I wish [Chief Diaz] had stuck more closely to this and read the script," but ██████████ said there was not anything "serious" that deviated from the statement. When I asked ██████████ if anything that Mr. Diaz said during that meeting sounded like a threat towards the Command Staff, he said that he did not find anything said to be threatening; the reference to the FBI and Homeland Security was in reference to potential corruption, and stalking of ██████████. ██████████ said Mr. Diaz's statements sounded more like he took the situation "seriously and [that] we as Command Staff cannot be participating in rumor mongering."

Fear of Retaliation

██████████ noted that there was fear of retaliation by Mr. Diaz. This was in part because some people within SPD who were demoted by Mr. Diaz had been vocal about criticisms of Mr. Diaz, noting that a relationship between Mr. Diaz and ██████████, if true, was problematic. ██████████ also said that there was a civilian employee who was fired for admitting to spreading rumors about a relationship between Mr. Diaz and ██████████; he noted that individual was fired despite the fact that many other people in SPD speculated about a potential relationship between Mr. Diaz and ██████████.

██████████ similarly raised the point that a civilian employee was fired for spreading rumors about Mr. Diaz and ██████████. He said that he and ██████████ both felt fearful of potential retaliation by Mr. Diaz.

██████████ explained that he was pulled into the Chief's office on several occasions, during which Mr. Diaz asked him directly about information that arose during EEO investigations. ██████████ said, "[Chief Diaz] knew things that were being said during that [EEO investigation] that probably aren't right for people to know, which is what really makes me nervous about this, because he pulled me in [] and asked me why my name was coming up in that particular investigation ... Every time someone would say something or there was an investigation done about it, or someone's lawyer said they wanted to depose me, [] he'd pull me in his office and he'd sit me down and he would ask me about it for, I mean, like 45 minutes, an hour. I mean, it was very clear to me, like, if I open my mouth I'm fucked." He said Mr. Diaz would ask him why his name came up, why others wanted to talk to him, who he was talking to, and on at least one occasion had a transcript of an interview and showed ██████████ the portion of the transcript referencing the security detail. He said ██████████ was also pulled into the Chief's office and asked why ██████████ name was coming up in investigation interviews. ██████████ made clear that Mr. Diaz never asked specifically that he not share information about the relationship with ██████████ when asked, but he felt it was clearly implied.

██████████ said Mr. Diaz had information about internal investigations and EEO complaints that he should not have had. ██████████ said that he was also pulled into the Chief's office and asked about rumors and EEO investigations. He told Mr. Diaz he did not involve himself in rumors, that Mr. Diaz would need to talk to ██████████ about events or issues relating to ██████████,

and said something to the effect of, “[i]f you’re looking for people to get information, get back to you, [] I am not your guy.” [REDACTED] [REDACTED] was aware that [REDACTED] [REDACTED] was called into Mr. Diaz’s office, for upwards of 20 or 30 minutes at a time. Afterwards, [REDACTED] [REDACTED] would share that Mr. Diaz “grilled” him, at times relating to the civilian employee who was terminated.

[REDACTED] [REDACTED] said that while active EEO investigations were taking place, within a day of an interview, Mr. Diaz would be referencing details of those interviews. It was obvious to him and others that information from the EEO investigator(s) was flowing to the Chief, which seemed troubling given that Mr. Diaz was a potential subject of those investigations.

Mr. Diaz said that he did not ask [REDACTED] [REDACTED] about an EEO investigation until after the investigation was closed. When I asked him if he called [REDACTED] [REDACTED] into his office to ask similar questions, he said “[m]aybe. But [REDACTED] said], ‘no, [REDACTED] the only one that talks, [] you know me, I just sit in the back corner and I don’t [] say anything,’ [] but [the case] was already closed by that time.”

Surveillance of Mr. Diaz’s Vehicle

Mr. Diaz said that he was followed and surveilled in his city-issued vehicle. He said that a black Mercedes followed him at least twice, and he used an electronic detector to determine that a GPS tracker had been installed on his vehicle. He said he reported this to his security detail, to the Department, and to the Mayor’s office.

[REDACTED] [REDACTED] said Mr. Diaz shared a concern that he was followed into a parking structure in or near Bellevue, Washington, and pinned there by another vehicle. [REDACTED] [REDACTED] told Mr. Diaz that if somebody was stalking him in Bellevue, he should report it to the Bellevue Police Department or to the King County Sheriff’s Office, given that SPD did not have jurisdiction there.

Mr. Diaz recalled this conversation, but said he did not end up filing a police report with the Bellevue Police Department.

[REDACTED] [REDACTED] said that Mr. Diaz shared a concern or suspicion that someone was tracking his vehicle, noting that he had procured some type of detector which pinged around the right rear tire of the vehicle. [REDACTED] [REDACTED] said, “I personally believe that’s probably the tire pressure monitoring system which uses Bluetooth technology to communicate with the car,” but acknowledged that he did not know for sure.

[REDACTED] [REDACTED] explained that Mr. Diaz became “paranoid” that he was being followed, that he was under surveillance, and that his car was being tracked. He described to [REDACTED] [REDACTED] instances where he drove from the freeway into different parking lots and observed what he believed were cars following his route. [REDACTED] [REDACTED] noted that Mr. Diaz had a security detail and ought to have been making use of them rather than travelling alone if he felt he was being followed, or could have stopped by a police station to report the concern. He said, “[if] people are following you or showing up in parking lots where you’re trying to hide from them following you; the common sense answer is ‘well, I better start using my security detail like they’re meant to be used.’”

■■■■ said that there were times where Mr. Diaz switched cars with one of the members of the security detail “just randomly,” without explanation. Separately, during a period, ■■■■ left the security detail for a different assignment, and Mr. Diaz drove ■■■■ Toyota Highlander almost continuously during that period. ■■■■ speculated that Mr. Diaz may have preferred the security detail vehicles over his own assigned police car because they were less conspicuous. Mr. Diaz eventually received a Department-issued Chevy Tahoe for the Chief, which was similarly less conspicuous than his previous police car.

■■■■ also confirmed that Mr. Diaz used the Toyota Highlander otherwise assigned to ■■■■. He was unclear as to why, but his best guess was that the vehicle was less conspicuous than the police car which was at the time assigned to Mr. Diaz.

■■■■ similarly said that Mr. Diaz was “paranoid” about being followed in his car. He said Mr. Diaz relayed that someone had followed him into and out of a parking lot in North Bend, and he believed that his car was bugged with listening or recording devices. He asked ■■■■ to try to look for tracking or recording devices in his vehicle and office. ■■■■ noted that such concerns should probably be reported to the Chief of Criminal Intelligence, but he did not believe that Mr. Diaz ever took such formal action. ■■■■ shared with Mr. Diaz, based on his own work experience and expertise, that mobile phones could be used for location tracking and listening devices, such that GPS tracking and bugs had become unnecessary. He said Mr. Diaz seemed very inquisitive about this topic, and about ensuring that his location was unknown.

■■■■ also recalled that Mr. Diaz occasionally asked for the keys to his car “on a whim,” would switch cars, and did not explain why he was taking someone else’s car from the motor pool. He said Mr. Diaz would “disappear” and they did not know where he had gone. ■■■■ said these occurrences happened after Mr. Diaz came to believe that his own assigned vehicle was GPS-tracked or bugged.

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

Electronic Listening Devices

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

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

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

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

██████████ said that Mr. Diaz generally had the security detail follow him from work to his home in the evenings, and at some point, that changed. Mr. Diaz started sending his detail home when he departed work, and said he would drive himself home. ██████████ did not recall the exact timing of this change, but said it was before ██████████ was hired at SPD, but after there were already rumors circulating about an alleged relationship.⁶

██████████ also said that Mr. Diaz generally had the security detail follow him from work to his home in the evenings. At some point, Mr. Diaz started to park his car for periods of time after leaving work, and before heading home. On those occasions, ██████████ and/or ██████████ would wait in their car, close by, until Mr. Diaz resumed his drive home. Sometimes they would sit for 20 to 40 minutes at a time. They did not know what Mr. Diaz was doing, he never explained his actions or the change, and they assumed that he was talking to someone on the phone. After a period, Mr. Diaz told them they no longer needed to follow him home from work. ██████████ could not recall the timeframe of that change.⁷

██████████ provided assistance to the security detail, but did so on a part-time basis and was more permanently part of another unit and reporting chain. As a result, he did not provide executive protection services to Mr. Diaz on a full-time basis. He did note that there were periods of time when Mr. Diaz would “disappear,” and they did not know where he had gone.

Mr. Diaz said that he started sending his detail home in the evenings in the Summer of 2022, before he ever met ██████████. He explained, “if I was working late doing paperwork [] I don’t need to be paying overtime so they could just sit there and do nothing. So, I started sending them home and I didn’t even know ██████████ at the time.” As a result, he drove himself to ██████████ residence when he had occasion to visit, because at that time, he had already sent his detail home.

Mr. Diaz also said, in reference to sitting in his car on the phone, “[i]t could have been work-related calls[.]” When I asked specifically, “[w]as there any point before ██████████ was hired at SPD where you would sit in the car after work and before going home and talk to her [for] 20 to 40 minutes at a time,” Mr. Diaz said no. Regardless of the timing, pre-hire or post-hire, Mr. Diaz said he did not recall sitting in his car and talking to ██████████ on the phone. Mr. Diaz said that most of his communications with ██████████ were in-person, not by phone.

Errands of a Personal Nature for ██████████

██████████ said that Mr. Diaz occasionally helped ██████████ with tasks of a personal nature. On one occasion, he drove Mr. Diaz to ██████████ apartment to let her dog out. He

⁶ ██████████ was hired with SPD on or around June 8, 2023.

⁷ ██████████ took an alternative assignment and was gone from the security detail for a period spanning June 2022 to approximately March 2023.

assumed [REDACTED] [REDACTED] was not home; he parked outside of her apartment and waited for Mr. Diaz to return.

[REDACTED] [REDACTED] said that on one occasion, [REDACTED] [REDACTED] had a flat tire, so Mr. Diaz went to help her remove the tire and take it to Les Schwab for repair. When the tire was ready for pick-up, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] drove Mr. Diaz to Les Schwab to pick up the tire. He said that Mr. Diaz reinstalled the tire himself.

Mr. Diaz confirmed that he helped [REDACTED] [REDACTED] when she had a flat tire. He removed the flat, took it to Les Schwab for repair, picked it up, and reinstalled the repaired tire. He confirmed that on one occasion when he was coming out of the West Precinct, he stopped by her residence to let out her dog.

Mr. Diaz said that he helped [REDACTED] [REDACTED] with personal favors in connection with her residence, including replacing a faucet, some electrical work, moving, setting up her television, installing dimmer switches, and hanging other items. He also fixed some items in her previous residence, such as drywall and paint. Mr. Diaz explained that he regularly did such favors for other colleagues and neighbors including plumbing, installing doors, building a trellis, and installing lighting. He said, "I just help out wherever I can if I have the time, I have the knowledge, like I just do that."

Sexual Orientation

Initial Relevance

Mr. Diaz disclosed that he came to discover that he was gay. He shared this information in connection with the allegation of an intimate or romantic relationship with [REDACTED] [REDACTED]; he took the position that, as a gay man, he could not have had an intimate or romantic relationship with [REDACTED] [REDACTED]. An individual's sexual orientation is an intensely personal and private matter. I evaluate the points Mr. Diaz raised only to the extent that he himself introduced this topic as a basis for why an intimate or romantic relationship with [REDACTED] [REDACTED] could not have taken place.

Timeline

[REDACTED] [REDACTED] said that Mr. Diaz talked to her about his sexual orientation roughly a month after she interviewed him for a news piece; she estimated that the conversation took place around September 2022.

Mr. Diaz recalled sharing this information with [REDACTED] [REDACTED] around September or October of 2022. He said, "she was opening up about her potentially getting a divorce ... she was opening up about something vulnerable to her, that allowed me to feel like I could open about something that I was experiencing."

Disclosures to Others

[REDACTED] [REDACTED] also said Mr. Diaz talked to him directly about his sexual orientation. He said this conversation took place before the press conference announcing a new interim Chief of Police, but

he was not sure of the exact timing. He said “[i]t felt like several weeks” before the press conference, but he was not sure.⁸

█. █ also said Mr. Diaz talked to him directly about his sexual orientation, before Mr. Diaz’s public announcement of the fact, and before Mr. Diaz stepped down as the Chief of Police. █ recalled a conversation by phone, in which Mr. Diaz sounded “choked up.”

█ █ also said Mr. Diaz talked to him directly about his sexual orientation, and described several related conversations. He said, “[w]hen I had conversations with Adrian, he vehemently said either one of us, █ or myself, is a member of a protected class, we’re in the closet, and we aren’t ready to come out, this [allegation] is forcing us [to come out], it’s part of the injustice of the whole thing ... and you know, this [relationship] never could have happened ... And so, at that point, I mean, he didn’t specifically say it was him [who was gay], but it was now, you know, fifty percent just based on a coin flip.”

█ █ told Mr. Diaz to do what was right for him, but also noted, “that’s not a dispositive issue in this case, regardless of whether you come out as gay doesn’t mean this [relationship] didn’t happen ... because [] you’ve both been married [before] ... [and] even if [] you are absolutely gay at this point it doesn’t – it doesn’t preclude that this affair happened. And he got very angry with me ... [and] for me the level of the emotional reaction he had to that kind of told me [that] we were talking about [him].”

█ █ said Mr. Diaz talked to him directly about his sexual orientation. He recalled Mr. Diaz saying, “what you think you know, you don’t know,” then repeating the statement, and then saying that he was gay. █ █ said Mr. Diaz shared that he realized he was gay when he was being sworn in as Chief of Police around January 2023; that █ █ had a number of gay friends, related to some connection to a drama class; and as a result, she had been able to help Mr. Diaz through some of these issues. █ █ believed that Mr. Diaz shared his sexual orientation with █ █ and with himself, but not with █ █.

█ █ said that Mr. Diaz never told him directly about his sexual orientation. He felt that there appeared to be a strategic way Mr. Diaz went about sharing the message, and he felt it was strange that Mr. Diaz never told him.

█ █ said that Mr. Diaz told him directly about his sexual orientation. █ █ was identified as a potential witness in another SPD employee’s lawsuit. He was informed that he might be deposed, and he was anxious that he might be asked about his knowledge of a romantic or intimate relationship between Mr. Diaz and █ █. He intentionally commented about the notice in front of one of the Executive Assistants and said that he “wasn’t going to lie for anyone,” anticipating that the comment would likely be reported back to Mr. Diaz. Mr. Diaz called █ █ to his office on March 6, 2024, and brought up the lawsuit. █ █ told him directly, “I’m not lying for you. I’m not lying for anyone.” He said Mr. Diaz told him he would not have to lie. █ █ responded, “I’m about to be deposed and I’m not lying. I think they’re going to ask me questions about you and █ █.” Mr. Diaz said, “here’s the thing, you don’t know what you think

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

you know.” He repeated the statement, and then told [REDACTED] he was gay. Mr. Diaz told [REDACTED] that he had been struggling with the issue for a while, and that [REDACTED] had been helping him through his difficult discovery of identifying that he was gay. [REDACTED] best recollection was that Mr. Diaz said he discovered he was gay right around the time that he was sworn in as Chief of Police, around January 2023.

[REDACTED] found this conversation to be very perplexing. Mr. Diaz was saying that the fact that he was gay, and the fact that [REDACTED] had helped him through processing that adjustment, meant that the two were not in a romantic relationship, and meant that what [REDACTED] thought he knew about the two of them, was not the case. But [REDACTED] noted that Mr. Diaz had talked to him directly about sexual activity between himself and [REDACTED] and had showed him a partially nude photo of [REDACTED].

Mr. Diaz said that he never told anyone that he realized he was gay around January 2023 when he was getting sworn in. He said he told them, and he told me, that he had known for four years.

Disclosure to the Mayor

[REDACTED] said that after Mr. Diaz visited the Mayor and shared his sexual orientation, he made a statement in front of [REDACTED] and [REDACTED] along the lines of, “after the conversation I just had with the Mayor, there’s no way he can get rid of me now.”

[REDACTED] also recalled that after Mr. Diaz visited the Mayor and shared his sexual orientation, he made a statement in front of [REDACTED] and [REDACTED] along the lines of, “let’s just say whatever I told the Mayor, there’s no way he’s going to be able to get rid of me.”

Mr. Diaz said that he spoke with the Mayor about his sexual orientation in March 2024. He said the Mayor asked if Mr. Diaz could stay for the next six years, and that is why he felt and commented that the Mayor was not going to get rid of him.

Event at a Gay Bar

Mr. Diaz noted that while he spoke with members of his detail around May 2024, they may have known about his sexual orientation before that time because they went to a gay bar together. He said, “in 2023, I’d take[n] them to the gay bar [] when I was on travel like – so yeah, I mean people probably knew a little bit before.” Mr. Diaz provided me with a photo of the location which he took while present with [REDACTED].

[REDACTED] confirmed that he accompanied Mr. Diaz on a trip to Washington, D.C., and that they went to a gay bar while on that trip. He noted that Mr. Diaz did not go to the gay bar on his own, and said “there were very openly gay people in the group who wanted to go there. And we actually ended up leaving that early ... so Adrian could [make a phone call].” [REDACTED] estimated there may have been six or seven people who went to the gay bar as a group, and said it was his understanding that [REDACTED] had picked the location.

██████████ did not specifically recall visiting a gay bar with Mr. Diaz and ██████████. When I described the photo provided to me of the location, he later recalled that the location was likely Freddie's in Arlington, Virginia. He said, "[a] bunch of us went there May 23-25 (2023) when we were at the NIJ conference in Arlington (it was walking distance). We all sang karaoke. I cannot recall who all attended, but the picture description and timeline all make sense."

I noted to Mr. Diaz that others interviewed said the visit to the gay bar was with a group of six to eight people, including others in the group who were openly gay and chose the location. I asked him if there was a reason he thought that going to a gay bar would have indicated to his security detail that he himself was gay, and he said, "[w]ell, considering that [] ██████████ didn't know that somebody else [organized it] ... I went to ██████████ and said, 'we're going to a gay bar.' [I didn't tell ██████████ someone else was] organizing it. No, it was my [separate] conversation with ██████████, and then that's when we decided. And so, then I went to ██████████ and I said, 'this is where we're heading,' and that's when we walked over there. So again, I think it's a – a lack of understanding by trying to like skirt the truth that ██████████ trying to do."

Communications with Lisa Judge

Mr. Diaz told me that he believed the Inspector General of the Seattle Office of the Inspector General outed him to ██████████, that she was biased and expressed skepticism of his sexual orientation, and that she stated to ██████████, "how could he do that to ██████████."

██████████ said that Lisa Judge, the Inspector General of the Seattle Office of the Inspector General, contacted him and relayed a similar conversation with Mr. Diaz, in which he noted the possibility that either he or ██████████ was gay. ██████████ said, "[Lisa] called me and said, 'I don't know what just happened, I think Adrian just came out to me' ... She didn't call me and say, 'Adrian is gay,' she said, 'I think he might have just come out to me.' That was not an investigative conversation [between Lisa and me]. She didn't give me any information I didn't already have." ██████████ told her about his own discussion with Mr. Diaz, and said to Ms. Judge, "'I don't know whether it's him or ██████████,' and [] what [Lisa] said is [] 'the reason I'm asking is I'm not sure whether he was asking for my support as a member of the LGBTQ community and whether I should reach out to him and [] follow up on this.' And I – I advised her not to." He told Ms. Judge that whatever happened would be on Mr. Diaz or ██████████ timeline, and that's where they left things.

██████████ made clear that Mr. Diaz had probably two conversations with him referencing sexual orientation in this way, before ██████████ ever heard from Ms. Judge; that Ms. Judge did not disclose to him that Mr. Diaz was gay; that everything Ms. Judge said was consistent with information he had already heard from Mr. Diaz directly; and that Mr. Diaz was the first person to ultimately disclose directly his sexual orientation to ██████████.

██████████ said that Mr. Diaz called him by phone and said something along the lines of, "I think you know already but I [] came out to the [] ██████████ and to ██████████ ██████████, and [] I'm gay, I'm a gay man." ██████████ told Mr. Diaz during that conversation, "'Chief, this does not come as a surprise. I feel like there's been a lot of discussion around ... one of us is a member of a protected class.' I feel like that was not a tightly held conversation at that point."

██████████ said that Mr. Diaz conveyed that neither policing nor the Latino community was going to be particularly accepting of his sexual orientation. ██████████ told Mr. Diaz that may be true nationally, but that SPD had many employees who were members of the LGBTQ community, such that he did not think people at SPD would be unaccepting. ██████████ said he may have mentioned his conversation with Ms. Judge to Mr. Diaz, likely within the context of this discussion point. He said, “I was trying to explain [to Adrian] that [he] had talked to a lot of people, and I [didn’t] think anybody was going to come out and have a strong reaction to [him being gay]. And that everyone that sort of was [already] generally aware of this issue was supportive of him, and I think I probably told him that [] Lisa asked [me] whether she should reach out to [] support [Adrian] in this.”

I asked ██████████ if Ms. Judge ever said anything to him along the lines of, “how could Adrian do that to ██████████.” He said, “[n]o, and that sounds wholly inconsistent with all my conversations with Lisa on this topic.” I asked ██████████ if he ever heard Ms. Judge express any skepticism about whether Mr. Diaz was genuinely gay. He said no. He said, “I cannot fathom somebody making this up, and I think Lisa and I had a conversation along those lines.”

Mr. Diaz said that he spoke with Ms. Judge in generalities, and then later heard from ██████████ that Ms. Judge had divulged his sexual orientation and “outed” him. He said, “[a]nd I actually never told ██████████, he just already knew.” When I told Mr. Diaz that ██████████ account of his conversation with Ms. Judge diverged from Mr. Diaz’s second-hand account of that conversation, he maintained that they might be trying to provide cover for the City against future allegations and lawsuits.

Subsequent Reaction to Relevance

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

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

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

Potential Cover Stories

Members of Mr. Diaz’s security detail said that direct conversations with Mr. Diaz made it apparent that he was attempting to develop “cover stories” to explain why he or his vehicle might be seen near [REDACTED] residence.

[REDACTED] said that Mr. Diaz claimed he had a personal trainer, to explain why his car, or [REDACTED] car (which he was using), was parked near [REDACTED] residence for long periods of time. [REDACTED] recalled that the personal trainer may have been [REDACTED] brother, and that reference was made to a gym across the street from the West Precinct. [REDACTED] made clear that Mr. Diaz never told him directly that the personal trainer was a fabrication. But he noted that Mr. Diaz had a different workout regimen, at a different location, and at a different time, so it seemed apparent to him that there was no personal trainer.

[REDACTED] similarly said that Mr. Diaz claimed he had a personal trainer he was seeing at or near [REDACTED] residence. [REDACTED] made clear that Mr. Diaz never told him directly that the personal trainer was a “cover story,” but said that he was confident that Mr. Diaz was not seeing a personal trainer. [REDACTED] talked to Mr. Diaz about the need to have a cover story, based on his own experience working undercover, which could withstand scrutiny, and Mr. Diaz engaged with those conversations in such a way that made it apparent that “he was trying to come up with [] plausible stories about what he was doing with [REDACTED].” [REDACTED] explained to Mr. Diaz that if he were to claim he had a personal trainer to explain why he was at or near [REDACTED] residence, and someone were to scrutinize the claim, he would want to have an individual lined up who would say they were a personal trainer working with Mr. Diaz in order for the cover story to hold. [REDACTED] said, “we had those conversations about that kind of stuff, which is why I believe it was a cover story.”

[REDACTED] noted that there were rumors about Mr. Diaz and [REDACTED], in part because SPD personnel saw him around the West Precinct but not in uniform, saw him around the West Precinct but he did not enter the Precinct, and saw his car parked in the vicinity of the West Precinct and [REDACTED] residence but not in front of the Precinct or in the security parking garage as a Chief would be likely to do. [REDACTED] said, “I had talked to [Mr. Diaz] about that and saying ‘hey, these rumors are flying, and you need to address this about whatever is going on,’ and I believe that’s where the personal trainer story came up.”

When I asked Mr. Diaz if he met with a personal trainer at or near [REDACTED] residence, he said that he met with [REDACTED] herself. He explained that her brother was a personal trainer, and that [REDACTED] helped him put together a workout regime based on what her brother shared with her. They met in one of the conference rooms or main areas of the building.

█ █ did not relay any direct conversations with Mr. Diaz on this topic. However, he also noted that there were rumors about Mr. Diaz and █ █ in part because SPD personnel saw Mr. Diaz's vehicle (or one of the security detail's vehicles) parked in the vicinity of the West Precinct and █ █ residence, but Mr. Diaz did not enter the Precinct. At some point, Mr. Diaz then stopped parking around the West Precinct where he could have done so without paying for parking, and instead started paying to park in nearby lots, such as at a Whole Foods. █ █ found those parking receipts as part of his regular duties in preparing and maintaining the security detail vehicles.

Mr. Diaz said that he parked his vehicle near the West Precinct when he visited █ █ at her residence, but he also parked near the West Precinct at times that he was not with █ █, such as to walk down the street to get dinner without her. He also said there were times when he left his vehicle near the West Precinct because his wife came to pick him up in her car, such as to go pick up tile or lumber for his parents' remodeling project. Mr. Diaz acknowledged that he stopped parking at the West Precinct, in favor of other parking locations, when he felt like his vehicle's location was contributing to rumors about him spending time with █ █.

█ █ said that Mr. Diaz claimed that workers who were remodeling his parents' bathroom met him at the West Precinct, drove him to Bellevue in their truck, and then dropped him back off in the middle of the night to pick up his car from close to █ █ residence. █ █ made clear that Mr. Diaz never told him directly that this was a fabrication, and noted that Mr. Diaz was in fact helping his parents with some remodeling work at their house. But he noted that workers picking up Mr. Diaz and dropping him back off in the middle of the night sounded like a story to cover for the fact that Mr. Diaz's vehicle was near █ █ residence until late in the night.

Mr. Diaz said that his wife picked him up in their larger family vehicle to go get tile or flooring, that he left his vehicle near the West Precinct, and she later brought him back to pick up his car.

█ █ and █ █ acknowledged that Mr. Diaz provided other reasons for being at or near █ █ residence, which appeared to be genuine. For example, Mr. Diaz helped an employee of the King County Sheriff's Department with a promotional exam process, and met with this individual at █ █ building. Mr. Diaz also apparently helped █ █ with tasks within her residence, such as hanging pictures and other home improvement-related assistance.

When I asked Mr. Diaz about the broader notion of developing cover stories for why he was spending time with █ █ or at her residence, he said, "why do they need to know where I'm at and what I'm doing."

VI. ANALYSIS AND FINDINGS

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

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

Handwritten Card

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

Acknowledging that [REDACTED] denied writing the card, I gave considerable weight to the conclusion of the handwriting analyst that it was “highly probable” that [REDACTED] was the author of the card.

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

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

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

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

I gave significant consideration to Mr. Diaz’s perspective that the card was not genuine—meaning that someone fabricated and planted the card in order to cause him difficulty or harm. In general, if someone planted the card as fabricated evidence in order to make it appear that Mr. Diaz was having an extramarital affair, it seems probable that they would have signed [REDACTED] name, rather than signing the card as “Me.” More specifically, [REDACTED] is the one who found the card. It seems unlikely that [REDACTED] would have fabricated the card and then claimed to find it for the purpose of harming Mr. Diaz, given that he then held onto the card for over a year rather than circulate it to others. Similarly, it seems unlikely that [REDACTED] would have fabricated the card for the purpose of harming Mr. Diaz in order for [REDACTED] to unknowingly find it, given that [REDACTED] then shared the card with [REDACTED], and [REDACTED] did not then circulate it to others. In addition, it seems unlikely that someone would have been able to fabricate the card as evidence to harm Mr. Diaz, given that a handwriting analyst concluded that the handwriting was highly probable to have been [REDACTED].

I also gave consideration to the timing of when the card was located. [REDACTED] said that he found the card on or around May 27, 2023. Mr. Diaz said his birthday is not until July 21. In short, the end of May was arguably “too early” for a genuine birthday card. This timing would cause me to question whether the card was fabricated and planted to be found in order to harm Mr. Diaz. I landed on the same considerations outlined above: that such a person would likely have signed [REDACTED] name rather than signing the card as “Me,” and that it seems unlikely that someone would have been able to fabricate the card given that a handwriting analyst concluded that the handwriting was highly probable to have been [REDACTED]. It is conceivable that the card was simply intended as a personal note and was chosen for the Ewok on the front, despite the fact that the pre-printed birthday message on the inside was not applicable. Mr. Diaz said that he had a well-known fondness for Disney, and identified other Star Wars related merchandise others had purchased for him.

I also considered the possibility that [REDACTED] wrote the card but that it was inaccurate, where Mr. Diaz never reciprocated the sentiments or engaged in any of the actions or emotions that the card implied. This is addressed further, below.

On balance, I found that [REDACTED] wrote the handwritten card to Mr. Diaz. [REDACTED] having authored the card led me to conclude that she intended the contents in a romantic or intimate way, and that a romantic or intimate relationship likely took place between [REDACTED] and Mr. Diaz.

Again, I acknowledge a process limitation in that I did not have the opportunity to discuss with [REDACTED] the outcome of the handwriting analysis or the assessment that she had attempted to disguise her writing sample, because she declined any further participation in the investigation upon her resignation from SPD. I reached these findings based on a preponderance of the evidence available.

Direct Statements About a Relationship

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

First, one out of three members of the security detail said that they did *not* hear any statements from Mr. Diaz about a relationship with [REDACTED]. This was [REDACTED]. However, [REDACTED] departed from the security detail for the approximate duration of June 2022 through March 2023, so he simply was not present during a portion of the relevant time period such that he *could* have heard more about [REDACTED].

Second, where two out of three members of the security detail said they heard direct statements from Mr. Diaz about a relationship with [REDACTED], they provided multiple examples, those examples were specific in detail, and some consisted of conversation and back-and-forth exchange with Mr. Diaz. Those statements specifically referenced sexual activity between Mr. Diaz and [REDACTED], volume and frequency of sexual activity, and related medication and other supplements to sexual activity.

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

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

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

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

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

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

to lie because of his close relationship with [REDACTED]. I evaluated this perspective, but ultimately did not credit it. [REDACTED] provided the handwritten card, and Mr. Diaz did not identify any connection between [REDACTED] and [REDACTED] lawsuit. [REDACTED] would similarly be risking his reputation and career to support the lawsuit of a potential love interest of another person, which I found to be an attenuated connection. And more to the point, if the primary motivator was to advance [REDACTED] lawsuit by fabricating evidence of a relationship between Mr. Diaz and [REDACTED], it would seem reasonable that they would have broadcasted such fabricated evidence publicly, or at least outwardly; it does not seem reasonable that it would have advanced [REDACTED] lawsuit to have withheld such fabricated information, only to present it within the confines of a confidential investigation process.

On balance, I find that Mr. Diaz made direct statements to [REDACTED] and [REDACTED] about sexual and intimate interactions with [REDACTED].

As noted above, I considered the possibility that [REDACTED] wrote the card but that it was inaccurate, where Mr. Diaz never reciprocated the sentiments or engaged in any of the actions or emotions that the card implied. I do not find that to be likely, because of the direct statements that Mr. Diaz made to [REDACTED] and [REDACTED] about sexual and intimate interactions with [REDACTED].

I also considered the possibility that Mr. Diaz made statements to [REDACTED] and [REDACTED] about sexual and intimate interactions with [REDACTED] and about separating from his wife to advance a relationship with [REDACTED], but that [REDACTED] never reciprocated the sentiments or engaged in any of the actions or emotions that his statements implied. I do not find that to be likely, because I found that [REDACTED] wrote the handwritten card.

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

Sexual Orientation

As part of the finding that Mr. Diaz and [REDACTED] had an intimate or romantic relationship, it may be relevant to explain how Mr. Diaz's sexual orientation did or did not impact this finding.

Mr. Diaz seemed to feel that certain people within SPD and other Departments questioned his sexual orientation and did not believe that he was gay, either based on bias, or on some other negative basis. It appeared to me that some of the disbelief was driven by something else. Members of the security detail did not believe Mr. Diaz, not because he asserted that he was gay, but because he told them directly about engaging in a sexual and intimate relationship with [REDACTED]. To the extent that he told them that being gay meant that he *could not* have had a sexual or intimate relationship with [REDACTED], they may have believed him, if he had not previously told them that he *did* have a sexual and intimate relationship with [REDACTED].

Accepting his assertions of his sexual orientation, that is not dispositive of the issue of the relationship. Mr. Diaz is a gay man who at some point was married to a woman and had children. A person may determine that a development in their sexual orientation will result in a shift in their sexual activity and sexual partners; if or when that happens is a matter of personal choice and individual circumstance.

Indirect Information

Other information presented in the course of this investigation was of a more indirect nature than the handwritten card, the handwriting analysis, and the direct statements relayed by the security detail. For the purposes of the analysis, I summarize that information here. Though it does not form the primary basis for the finding that Mr. Diaz and [REDACTED] had an intimate or romantic relationship, it provides helpful context.

Time Spent Together

Both Mr. Diaz and [REDACTED] acknowledged spending time together, including dinners to discuss the Chief of Staff position, meeting to help another friend with a promotional exam, meeting to help another friend interested in a communications role at SPD, help with household tasks at [REDACTED] residence, and countersurveillance. [REDACTED] estimated around 17 times they spent time together, and Mr. Diaz estimated around 20 times. While that is not an insubstantial number of times, I would not base a finding of a romantic or intimate relationship simply on the fact that they spent time in each other's company.

Instead, I took note of some peculiarities or discrepancies in their *explanations* of the time spent together. For example, Mr. Diaz said that a portion of their time together was spent in discussion about his sexual orientation; [REDACTED] did not mention this at all. [REDACTED] did not mention anything about spending time together in connection with workouts or personal training, and Mr. Diaz addressed it but only after I raised the topic myself. Both of them made a point about Mr. Diaz going to [REDACTED] residence to engage in countersurveillance, but when I inquired further about what such actions were intended to uncover, Mr. Diaz acknowledged that even when he saw SPD employees in the vicinity of her residence, there was not much basis on which to

differentiate between who might be surveilling [REDACTED] and who might just be going to or from work.

Errands of a Personal Nature for [REDACTED]

Mr. Diaz performing errands for [REDACTED] might indicate a personal relationship, but could also simply reflect a friendship, or a general willingness and desire to help others. This would not, on its own, form the basis for a finding that Mr. Diaz and [REDACTED] had an intimate or romantic relationship.

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

Changes in Mr. Diaz's use of the security detail, including sending the detail home in the evenings, departing from his detail at points during the day when they did not know where he was, and sitting in his car for periods of time before heading home could reflect efforts on his part to conceal his interactions with [REDACTED], but this is conjecture and would not, on its own, form the basis for a finding that Mr. Diaz and [REDACTED] had an intimate or romantic relationship.

Background Check

Mr. Diaz asking [REDACTED] to conduct [REDACTED] background check could reflect that he wanted to confine information that could potentially surface about their relationship to an individual who was already aware of the relationship. This is conjecture and would not, on its own, form the basis for a finding that Mr. Diaz and [REDACTED] had an intimate or romantic relationship.

It is also possible that the questions around [REDACTED] background check were the result of miscommunication or misunderstanding about the sequence and explanation behind the request. Mr. Diaz says he always intended [REDACTED] to undertake the relevant training in order to perform background checks for eighth floor hires. [REDACTED] was under the impression that he had only been asked to undertake the training in order to perform [REDACTED] background check, and that the potential for conducting other background checks was not raised until later. It is possible that Mr. Diaz did not explain his broader intention to [REDACTED] at the time of the request, and it is possible that [REDACTED] simply misunderstood the scope of the request.

Separately, [REDACTED] said that he specifically told Mr. Diaz he thought running [REDACTED] background check through [REDACTED] was a bad idea, which Mr. Diaz denied, and which is not a point of potential misunderstanding but rather a divergence in their testimony of the events. I note that when [REDACTED] expressed that sentiment to Mr. Diaz, Mr. Diaz did not then respond with an explanation of the intention to run a broader range of background checks through [REDACTED].

██████████ Position and Role

Several people interviewed believed that Mr. Diaz created the position of Chief of Staff for ██████████, where such position had not previously existed, and that he was driven to do so by virtue of their intimate or romantic relationship. Mr. Diaz ultimately acknowledged that the title may not have existed formally for quite some time, but explained that several people had historically fulfilled its duties and role, and that some people were even referred to by that title informally. In particular, ██████████ confirmed that he performed the duties of a Chief of Staff in all but name, so it does not appear that Mr. Diaz created the position for ██████████ out of whole cloth.

There were other anomalies around ██████████ position and role. There was no job description specific to her role; however, the position was appointed and not advertised, and preparing a job description was likely a Human Resources function over a duty of the Chief. I noted that Mr. Diaz represented to me that there was a job description in place, despite the fact that it was for a different position and a different employee.

Several people interviewed, including those in leadership or managerial positions, said they did not understand the overlap of ██████████ particular skills and experience with a Chief of Staff role at SPD, particularly given that similar duties had historically been performed by sworn employees.

To the extent that ██████████ considerable communications expertise was of importance to Mr. Diaz, it was also notable that Mr. Diaz already had a Director of Strategic Communications, with a background somewhat similar to ██████████.

There was also lack of clarity around the intended division of duties and reporting structure between ██████████. ██████████ and ██████████, including that ██████████ was under the impression that ██████████ was going to report to ██████████.

Several people interviewed did not understand why the security detail was moved to report to ██████████, and they opined that it may have been driven simply by Mr. Diaz's desire to give her a bigger body of supervision to justify her role. Ultimately, ██████████ noted that some components of their personnel management did not have a logical location, and the security detail was one of those.

These anomalies around ██████████ position and role would not, on their own, form the basis for a finding that Mr. Diaz and ██████████ had an intimate or romantic relationship, but they provide context to the circumstances surrounding her hire.

Additional Notes on Mr. Diaz's Testimony

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

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

During his first interview, I asked Mr. Diaz if he had phone conversations with [REDACTED], and he said “[m]ostly – it would be mostly in-person. A lot of stuff I don’t like to communicate by phone.” Later in the same interview, he said, “I never was on the phone with [REDACTED] during that time.” During his second interview, when we were discussing potential text communications with [REDACTED], Mr. Diaz said, “[a] lot of it was just phone call and just meet in person.”

- I asked Mr. Diaz about the security detail waiting to follow him home, while he spent time in his car, after leaving work and before going home, taking personal phone calls; I asked if those personal calls were with [REDACTED] and he said, “[i]t could have been work-related calls.” Then Mr. Diaz said that he started sending his detail home in the evenings, such that they would not have been around to observe potential after-work calls. I asked Mr. Diaz to focus on the period of time before he started sending his detail his home, and asked again whether he spent time in his car, after leaving work and before going home, taking personal phone calls with [REDACTED]. Mr. Diaz then said that he started sending his detail home in the evenings before he met [REDACTED], so if the detail observed him sitting in his car after leaving work and before going home, taking phone calls, those phone calls were not with [REDACTED]. I then asked Mr. Diaz if there was any point in time after he met [REDACTED] but before she was hired at SPD, during which he spent time in his car, after leaving work and before going home, parked somewhere, taking personal phone calls with [REDACTED]. Mr. Diaz responded that if he was parked somewhere after leaving work but before going home, it was for the purpose of determining if someone was following or surveilling him. I then asked Mr. Diaz if there was any period during which he spent time in his car, after leaving work and before going home, talking to [REDACTED] regardless of the reason for which he was in a parking lot. He said, “[i]t could have been anybody. And I’m sure [REDACTED] was a part of that conversation, but I – I could have been talking to anybody, and sometimes I’m not talking to anybody. I’m just looking at my phone and going through emails.”

VII. CONCLUSION

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

Sincerely,

BARRAN LIEBMAN LLP
Shayda Z. Le