

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Chain of Command
UNIT B252F

DATE: September 22, 2022

FROM: Mike Fields
Executive Director of Human Resources

SUBJECT: Final Discipline-Andrei Constantin-OPA 21-0458

Attached are the Cover Letter and Final DAR for Officer Constantin. The Cover Letter and Final DAR need to be given to Officer Constantin via his chain of command. Electronic copies have been or will be provided to all recipients copied on the cover letter.

Please have Officer Constantin sign in the appropriate place below, then complete the bottom section. **On the day of service, scan the completed, signed receipt and send it to SPD_EmploymentCounsel@seattle.gov.** Within 7 days of service, return the original signed receipt to the SPD HR Unit (JC-05-01).

My signature below indicates that I have received the Cover Letter and Final DAR regarding OPA 21-0458.

Andrei Constantin, #8379

Date

After providing Officer Constantin with the documents, please complete the information below as appropriate.

Served by: _____
Rank/Printed Name

Date: _____

If not served within three days of issuance, provide explanation:

Signature: _____

**On the day of service, scan the completed, signed receipt and send it to
SPD_EmploymentCounsel@seattle.gov**
Original receipt should be returned within 7 days to SPD HR Unit (JC-05-01)



City of Seattle

Seattle Police Department

September 22, 2022

Andrei Constantin, #8379
(Hand-delivered)

RE: OPA 21-0458

Dear Officer Constantin:

I want to thank you and your representatives for meeting with the Chief of Police on September 8, 2022, to discuss the recommended discipline arising from the investigation of OPA 21-0458. Based upon the information presented at the meeting, and a review of relevant materials, the Chief has sustained the following allegations:

Violation of Seattle Police Manual, Sections:

- **5.125 Social Media Pol. 2 Employee Personal Use of Social Media: 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public**
- **5.001 Standards and Duties 10. Employees will strive to be Professional**
- **5.140 Bias Free Policing 2. Officers Will Not Engage in Bias-Based Policing**

A description of the sustained allegations of misconduct and the final disciplinary action is set forth in the enclosed Disciplinary Action Report.

If you have any questions regarding this notice, please feel free to contact me.

Sincerely,

Adrian Diaz
Chief of Police

/s/ Mike Fields

Mike Fields
Executive Director of Human Resources



City of Seattle

Seattle Police Department

Enclosure

cc: Adrian Diaz, Chief of Police
Thomas Mahaffey, Assistant Chief
Martin Rivera, Captain
Gino Betts, Director of OPA
Mike Solan, Union President
Catherine Seelig, Employment Counsel

**Seattle Police Department
DISCIPLINARY ACTION REPORT**

FILE NUMBER
OPA 21-0458

RANK/TITLE
Officer

NAME
Andrei Constantin

SERIAL NUMBER
8379

UNIT
B252F

SUSTAINED ALLEGATIONS:

Violation of Seattle Police Department Policy & Procedure Manual Sections:

- **5.125 Social Media Pol. 2 Employee Personal Use of Social Media: 1. Employees Shall Not Post Speech That Negatively Impacts the Department's Ability to Serve the Public**
- **5.001 Standards and Duties 10. Employees will strive to be Professional**
- **5.140 Bias Free Policing 2. Officers Will Not Engage in Bias-Based Policing**

Specification:

In October 2021, a Twitter user posted a lengthy thread cataloguing screenshots that you had posted, tagging the Seattle Police Department. When presented with the posts, you admitted that you posted frequently over a long period of time including those tweets described below. Although these tweets were on your personal social media, they involved your job as a police officer, law enforcement action, protests, victims' families, and were seen by the public, causing great harm to the Department's relationship with the community.

Included in your social media posts are the following:

- On May 29, 2020, you responded to a tweet encouraging donations to the Minnesota Freedom Fund by stating "Wow! So you will be helping in defending rioters and looters?! Now that I know you support ANTIFA and a closeted socialist, it's time to unfollow this account." Your tweet ended with a "middle finger" emoji.
- On July 4, 2020, a driver struck several protesters on I-5. You wrote "Shouldn't play in the freeway."
- On July 8, 2020, in response to a tweet about vehicles driving on the sidewalk to go around Black Lives Matter protesters, you wrote "And they wonder why they get run over."
- On July 24, 2020, a person posted "BOOM! Man punches member of Antifa's 'Bike Brigade' for blocking off streets so rioters can march in Seattle during rush hour." You responded "People need to do this more often to these clowns. They will fold like wet napkins when touched."
- On July 25, 2020, you responded to a post that said "Wow. A wall of moms, and a wall of vets. Portland is awesome." You tweeted, "Those are all the dweebs that couldn't make it through one week of bootcamp and bought a military shirt to claim they were in the service."
- Also on July 25, 2020, a person posted "WOMAN HIT: Says she was hit by flash bang at 12th Ave and Pike." You responded, "Waaaa waaa I went to a riot trying to get a confrontation and they gave me a boo boo."
- On August 10, 2020, you responded to a person's tweet about SPD morale, stating "When your employer hates you this much, why stick around for them to continue abusing you?"
- On November 6, 2020, SPD tweeted "Update on a protester who suffered an unknown medical issue during Wednesday night protest. Body worn video included." You responded, "Oh a person who gets high before they go riot, let's all be sad for him and call him a 'victim of police brutality.'"

- On March 15, 2020, a person posted “The moment the police cruiser floored it towards me hitting two protesters last night in Los Angeles at the #BreonnaTaylor march in Hollywood. Full report to follow on [Twitter name]” You wrote in response, “Awe you poor baby. Guess you’ll need to see one of your counselors for one of the many mental problems you have. You victim you.”
- On or around May 25, 2021, you wrote, “Heard this comrade [Twitter name] spewing trash on @NPR. This [clown face emoji] doesn’t understand what justice is. #GeorgeFloyd got justice regardless what your madeup definition of ‘justice’ is.”
- On August 3, 2021, SCC Insight posted a South Seattle Emerald story concerning a person injured while in custody. You wrote, “Haha he even admits he was trying to be an annoying fuck by verbally harassing the cops and staff. He deserves every bit of those missing teeth. Hope he learned to STFU.”
- On October 6, 2021, a parent of a deceased person posted about a “riot in honor of her son” stating, “I also understand people might be to afraid to attend or working or are far away and that’s ok I love and appreciate all of you but if you could still light a candle and share it I would so appreciate it much love all of you.” You wrote, “Naw, rest in piss bitch.”

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

You tweeted frequently over a period of months and made numerous posts that were extremely unprofessional, offensive, derogatory, and entirely unacceptable. In your tweets, you celebrated violence against protesters, ridiculed human beings who were injured or killed, taunted the family members of deceased individuals, and publicly accused SPD of hating its employees, blamed victims of assault, appeared to celebrate a homicide, and stated George Floyd “got justice.” Any individual who learned that you were an SPD officer would have reason to question your judgment. Your tweets resulted in widespread public reporting that eroded public trust in both the Department as well as other officers.

At your OPA interview, you did admit your wrongdoing and expressed a high degree of remorse. You indicated that you were greatly impacted by the riots in 2020 and used social media to vent. You said that you have sought medical treatment/counseling to deal with these issues.

SPD Policy 5.125-POL-2 states that SPD employees shall not post speech that negatively impacts the Department’s ability to serve the public. This policy acknowledges that SPD employees may express themselves as private citizens on social media sites as long as employees do not: make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals. SPD policy forbids employees’ use of social media that would “otherwise violate any . . . SPD policy.” As discussed, your use of social media violated both SPD’s professionalism and bias-based policing policies.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible

personal characteristics of an individual.” This includes different treatment based on mental illness, political ideology, and veteran status. SPD employees are forbidden from expressing “any prejudice or derogatory comments concerning discernible personal characteristics.” You made a number of comments that were derogatory concerning discernible personal characteristics. These included, among others: (1) Mental Illness: Telling a person to “see one of your counselors for one of the many mental problems you have. You victim you.” (2) Political Ideology: Stating that you would unfollow a Twitter account because “I know you support ANTIFA and a closeted socialist.” (3) Veteran Status: Concerning a “Wall of Vets” at a protest, stating, “Those are all the dweebs that couldn’t make it through one week of bootcamp and bought a military shirt to claim they were in the service.”

Determination of the Chief

At your Loudermill hearing on September 8, 2022, you were forthright in apologizing for the harm that your actions caused the Department and the City. You said that you posted on Twitter as a coping mechanism to deal with the pain and frustration you felt during and after the 2020 protests in Seattle. You described the steps you have taken including engaging in mental health treatment to find different coping mechanisms. Members of the Department including your Sergeant spoke very highly of you and your work with the Department.

I appreciate the steps you have taken to get support following the impact of 2020, and your service to this Department. However, in considering all the information provided, I also must take into account your history of discipline, which includes two prior suspensions for lack of professionalism and other SPD policy violations.

While I acknowledge the very difficult period you went through, your posts were inexcusable. The comments you made spewing contempt towards those with mental health problems, veterans, and many others. Ridiculing the parent of a deceased individual and celebrating violence are simply incompatible with the expectations and mission of the Department.

Final Discipline

Termination of Employment

DATE 09/18/2022	BY ORDER OF  CHIEF OF POLICE
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APPEAL OF FINAL DISPOSITION

Appeals to a Commission:

SWORN EMPLOYEES: Public Safety Civil Service Commission

See Seattle Municipal Code 4.08.100. Employee must file written demand within ten (10) days of a suspension, demotion or discharge for a hearing to determine whether the decision to suspend, demote or discharge was made in good faith for cause. Information on the process for filing a claim with the Public Safety Civil Service Commission may be found on the Commission’s website.

CIVILIAN EMPLOYEES: Civil Service Commission

Before filing an appeal with the Civil Service Commission regarding suspension, demotion, or termination an employee must first go through the Employee Grievance Procedure provided by Personnel Rule 1.4. In order to comply with Rule

1.4, the employee must file the grievance within 20 calendar days of receiving the notice of the appointing authority's decision to impose discipline. After exhausting the Employee Grievance Procedure, if the employee is still dissatisfied, the employee must file his/her appeal with the Civil Service Commission within 20 calendar days of the delivery of the Step Three grievance response. See also SMC 4.04.240, 4.04.260, and Personnel Rules 1.4.

PROBATIONARY EMPLOYEES: Pursuant to SMC 4.04.030 and 4.04.290, employees who have been appointed to a position within the classified service but who has not completed a one (1) year period of probationary employment are "probationary employees" and are subject to dismissal without just cause. An employee dismissed during their probationary period shall not have the right to appeal the dismissal. SMC 4.04.290 and City of Seattle Personnel Rule 1.3.2E.

Alternative Appeal Options for Represented Employees:

Consult your collective bargaining agreement or union representative to determine eligibility, notice periods, and details of the disciplinary grievance process. Any remedy available through a collective bargaining agreement is an alternative remedy and not in addition to an appeal to the Public Safety Civil Service Commission or Civil Service Commission.