



STATEMENT FORM

EEO FILE NUMBER
2023-0011

Date 05/16/2023	Time: 11:47 hours	Place EEO Offices, Seattle Justice Center
Statement of: Sergeant John O'Neil		
Statement Taken By: Rebecca McKechnie		
Transcribed by (Taped/Translated Statements) Vaughn Thompson		

MCKECHNIE: Okay, we are recording I am Rebecca McKechnie of the Seattle Police Department the date is May 16, 2023, and the time is 11:47 hours the EEO case number is 2023-EEO-0011. I am interviewing Sergeant John O'Neil, Serial#6835 a named employee in this case this interview is taking place in Suite 537 at Seattle Police Head Quarters in the EEO office. Also, present is Sam Byrd as representative from the Seattle Police Officers Guild. Sergeant O'Neil, can you please state your name and spell it for the record?

O'NEIL: John O'Neil, J-O-H-N O-N-E-I-L.

MCKECHNIE: And Sam?

BYRD: Sam Byrd, B-Y-R-D.

MCKECHNIE: And I'm Rebecca McKechnie, R-E-B-E-C-C-A M-C-K-E-CH-N-I-E, this interview is documented by a recording Sergeant O'Neil do you understand this interview is being recorded and do you agree to be recorded?

O'NEIL: I do.

MCKECHNIE: And Sam, do you understand the interview is being recorded and do you agree to be recorded?

O'NEIL: Yes.

MCKECHNIE: Sergeant O'Neil have you received copies of the EEO Advisement, the Garrity Advisement and the Seattle Police Officers Bill of Rights outlined in your collective bargaining agreement, and do you understand them?

O'NEIL: Yes, I do.

MCKECHNIE: And have you received notification of the allegations made in the complaint?

O'NEIL: I have, yes.

MCKECHNIE: Under the Authority of the Chief of the Seattle Police Department you are hereby ordered to answer all questions asked of your truthfully and completely failure to do so may result in discipline up to and including termination do you understand?



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O'NEIL: I do.

MCKECHNIE: Under Section 5.002 subset 4 of the Seattle Police Department Manual Retaliation is strictly prohibited this is a reminder that you must not retaliate against anyone involved in this investigation retaliation includes discouraging, intimidating, coercing or undertaking any adverse action against any person because the person has filed or is cooperating in the investigation of any complaint retaliation of any kind will not be tolerated and will be considered a separate and serious violation which may result in discipline up to and including termination do you understand this policy and the consequences for violating it?

O'NEIL: Yes, I do.

MCKECHNIE: Under the Authority of the Chief of the Seattle Police Department to maintain confidentiality of this investigation you are hereby ordered not to disclose the information discussed during your interview with any current or former Seattle Police Department employee except with your bargaining unit representative do you understand?

O'NEIL: Yes, I do.

MCKECHNIE: Alright, I'm just going to start off with a few questions about you so how long have you worked for the Seattle Police Department?

O'NEIL: Uh, just under nineteen years.

MCKECHNIE: Okay, well congratulations on that service.

O'NEIL: Well, thank you.

MCKECHNIE: So, because this is an EEO complaint regarding allegations of harassment and or discrimination um due to uh disability um do you have any disability?

O'NEIL: Uh, yes, I do.

MCKECHNIE: Okay, um and are you aware of uh **8(f)** having any disability?

O'NEIL: I am not, I know she went out on it, but you know um I don't know what it is.

MCKECHNIE: Okay, and um does um can you please tell me what race and gender you identify as?

O'NEIL: I'm a Black male.

MCKECHNIE: Okay, and what work unit are you currently assigned too?



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O'NEIL: 8(f) Unit.

MCKECHNIE: And how long have you been in that unit?

O'NEIL: Uh, August 2nd of 2022.

MCKECHNIE: And who is your current supervisor?

O'NEIL: Chief Diaz.

MCKECHNIE: And um how long has Chief Diaz been your direct supervisor?

O'NEIL: Direct supervisor for I'll say mid for the last two months before that it was 8(f)

MCKECHNIE: Okay, and do you and was 8(f) your uh supervisor for the entire time prior to Chief Diaz becoming your supervisor?

O'NEIL: In 8(f) yes.

MCKECHNIE: Okay, and um so uh you obviously know 8(f) ?

O'NEIL: I do.

MCKECHNIE: And are you her direct supervisor?

O'NEIL: Yes, well I was.

MCKECHNIE: Prior to her going out on 4(d), 1(f), correct?

O'NEIL: Yes.

MCKECHNIE: And um do you have any kind of personal relationship with 8(f) outside of the workplace?

O'NEIL: I do not.

MCKECHNIE: And how would you characterize 8(f) as an employee in the 8(f) unit?

O'NEIL: Um, well very good worker, uh productive but uh likes things done her way uh resistant to instruction. Um, you know she'll be on time as far as showing up for work but definitely highly opinionated and when she has something in her mind that she wants to do it her way, she's going to do it regardless.



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- MCKECHNIE: And did she only treat you in that manner or did she do the same with 8(f) ?
- O'NEIL: Uh, well she did yeah, she actually did certain things with 8(f) but mainly me, it was mainly me.
- MCKECHNIE: And do you know prior to you coming to the unit did she have any issues with any other prior supervisor of a similar nature?
- O'NEIL: Well, unfortunately she didn't have that much experience and time on so when she left, I don't know who her supervisor were fairly brand new so I'm not aware.
- MCKECHNIE: Okay, um and um do you know Officer I think it's Judinna Gulpan?
- O'NEIL: Yeah, Judinna Gulpan yes, I do.
- MCKECHNIE: And is she also called Judy?
- O'NEIL: Jean is what she likes to be called.
- MCKECHNIE: Oh, Jean.
- O'NEIL: Yes.
- MCKECHNIE: Okay, um and um is Officer Gulpan also one of your subordinates?
- O'NEIL: Yes.
- MCKECHNIE: And how long have you been Officer Gulpan's supervisor?
- O'NEIL: Um, for this stint since late December.
- MCKECHNIE: Okay, uh and how would you characterize Officer Gulpan as an employee in the 8(f) Unit?
- O'NEIL: Extremely hard worker, uh likes to learn you know uh will challenge you at times but definitely an extremely hard worker, gets the job done dependable.
- MCKECHNIE: Okay, um so on or about February 15, 2023, did 8(f) advise you that she would not do an on-camera interview for a TV station?
- O'NEIL: Uh, yes, she told me.



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MCKECHNIE: I'm going to pause the tape, sorry. Okay, we're back on the tape and it's May 16, 2023, at 11:57 hours I'm interviewing Sergeant John O'Neil, and the same advisements uh apply I still have both of your permission to record?

O'NEIL: Yes, you do.

BYRD: Yes.

MCKECHNIE: Okay, so when we took the break, I was advising you upon February 15th. Did 8(f) advise you that she would not do an on-camera interview for a TV station?

O'NEIL: Yes.

MCKECHNIE: And can you recount that conversation for me?

O'NEIL: Yeah, it was pretty quick what ended up happening was uh I was extremely busy, and I need to point this out because it points to what was said in the OPA complaint. I was slammed busy I don't think most people know how busy it is up there. So, while I have a brand-new Officer up there and Detective Gulpan at that time she was up there maybe a month and a half. I had interviews I was dealing with: I had a whole bunch of stuff that was going on. 8(f) and the entire unit had already been told when there is an interview especially on a shooting okay and that's a Chief directive especially on a shooting. You are to do the interview that particular day she came in there one late, about four hours late, now I didn't say anything. About four hours later none of the e-mails were done, we get e-mails from um the communications like different news stations whatever and we have to respond. And one of our biggest things is if we don't respond a lot of times, they'll make their complaint and say we reached out to SPD no response. So, it's important for us to respond as soon as we can, well she hadn't um and by the way I had let her uh take her lunch hour in the morning to work out if she wanted to okay. It's a stressful job, that kind of thing so she came in late none of the e-mails were done, um, I went over to her desk sat down. That's when uh she turned to you know basically, I'll just skip to Jean came in and told me what was going on with the interview. I pretty much was trying to listen to Jean at the same time and get this work done because I'm just slammed. Sarge, do you want this interview done? Yes, yes, I do it needs to be done: you can do it if you want too whatever. Well, I don't want to do it we had that conversation and I think she's you know dumping her work on her and I said okay well tell her I said do the interview. I went back to what I was getting done. While I was getting my stuff done, I noticed there was something else she didn't do and at this point I'm going you know whatever is going on with her I need to address why this is not why your work is not being done. As I was coming out of my office, she was coming around the corner she looks at me and says something to the effect of "I'm not doing any interviews". It wasn't um I can't, this was why, I'm not it was very clear I'm not doing any interviews. Now throughout the day she hadn't done her e-mails, she said she was working, (phone rings) sorry I thought I had turned that off. Uh, throughout the uh morning she hadn't done any of her work, now she's refusing to do the interview um Jean had told me the conversation that they had had when she asked her to do it. And then once Jean came back and said she needed to do it she said I'll tell Sarge that I'm not doing it. Never did



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she ask okay she just didn't do it, alright at that point and while she was mad and when I say mad visibly red angry just, I'm not. I said, "Do you need to go home?" "Well, I've got work to do". So, the interesting part about that is oh I'm going to do work I'm just not going to do the work you tell me to do. So, that was what was interesting to me it wasn't yeah, I do need a break it was no I've got work to do and I was like "well actually you know I don't want you representing SPD if you don't have to for that day, you can go home if you want to". She left she said "Okay" and left. So, that's how that went.

MCKECHNIE: At that point did she indicate that she was feeling unwell in any way?

O'NEIL: Not at all.

MCKECHNIE: Had she indicated at that point or prior to that point that she had an intent of filing 4(d), 1(f) ?

O'NEIL: Not at all.

MCKECHNIE: Okay.

O'NEIL: Not at all, none of that was said. Uh, now going back into the past this has been an issue so this wasn't the first time okay this has been an issue over and over with 8(f) where I would tell her to do something, she doesn't like it, she gets mad, okay and either doesn't do it, half do it well actually this time she just doesn't do it. I mean I have plenty of examples of 8(f) getting upset. She's made that very clear to me, she's made it clear to at the time my supervisor 8(f) She doesn't like the way I lead: she doesn't like what I tell her to do, and she doesn't feel like she has to do any of it okay. So, we need to keep that in mind, I have this in the back of my mind while she's doing this so in my view this is just another incident that was escalating to this point. Okay, even though I sat down we had many conversations I try to talk with her hey you know I explained to her chain of command what can I do better, this is the things I expect matter of fact we actually had a good conversation just a week prior. You know I thought it was good let's get on the same page when you need something let me know. So, all that has happened but this particular day it finally got to the not just saying no in e-mail or things I'm telling her to do, face to face I'm not going to do it. And that's what it was, and she walked out again, I had no idea. Um, I let 8(f) know what happened I had to go take care of a project remember that I was working on the next day as I'm coming into work you know I had thought about it, and I was like well I need to still reach out to 8(f) I sent her an e-mail and I told her what my intent was. I had been up late the night before, but I also know that she wanted to talk to her, so I said, "you need to talk to her, but this is what my intent is" and I outlined the e-mail including the idea that I was considering sending it to OPA, depending once I find out you know the actual violations and stuff were. But I also wanted her to talk to her, but I also had a meeting that day so again between all this happening where we were short staffed at that point Jonah was out. Okay, so all I had was 8(f) and Jean so I'm trying to and me and I'm trying to balance all this work.



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MCKECHNIE: So, I want to stop you there do you recall about what time of the day you sent her that e-mail stating you might send something to OPA?

O'NEIL: Uh, I actually I think it should be in in here with the time on it.

MCKECHNIE: I have this one here.

O'NEIL: Yup, this is it.

MCKECHNIE: Okay, so this one went to 8(f)

O'NEIL: That's what I'm talking about to 8(f) yeah that's who I'm referring to.

MCKECHNIE: You didn't send an e-mail to 8(f)

O'NEIL: I did not no, no e-mail to 8(f) that's to 8(f) I'm sorry let me clarify that.

MCKECHNIE: Okay.

O'NEIL: Um, so I sent it to 8(f) at this point I heard nothing from 8(f) at all okay so now that was early in the morning. Um, I went to my meeting, took care of it, took care of what I had to do. I started working on my response a little bit to OPA, but I was trying to do that piece meal it I knew that 8(f) was going to talk to 8(f) 8(f) didn't talk to me, didn't she didn't show up to the office until about 1 or 2, now mind you she hadn't reached out and said anything okay. She shows up in the office I was told by 8(f) she called me later.

MCKECHNIE: So, just to be clear this is on the 16th now?

O'NEIL: This is the day after yes. 8(f) uh basically told me she tried to talk to 8(f) 8(f) said she was disappointed in her uh 8(f) made this all about basically not liking me as a supervisor and not anything medical and it was at the very end where she told her that look John hasn't done anything wrong and I stand by her that she said that she was going to go out on 4(d), 1(f) And she didn't even specify, she just said her intent that she was going to you know take 4(d), 1(f) no kind of medical or anything I don't even know what the 4(d), 1(f) was. Um, I think 8(f) hinted that she thought it was going to be 4(d), 1(f) I assumed it was going to be you know 4(d), 1(f) of some type. But at that moment it didn't matter to me basically the violation happened, the violation had been happening and whether she went out on 4(d), 1(f) or not this was going to be dealt with. Either way it goes this needed to be dealt with because we could not operate like that anymore, we just can't do it, it was toxic: it was beyond toxic you know up there.

MCKECHNIE: So, I want to just nail down the timing of things because I think it's important so this e-mail you sent to 8(f) on February 16th that was at 10:37 in the morning?



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O'NEIL: Yes.

MCKECHNIE: And up until that point there had been no mention from 8(f) of possibly going out on 4(d), 1(f)

O'NEIL: There was no mention.

MCKECHNIE: And in here you do say I'll wait to hear from you, I'm debating sending the insubordination portion to OPA for investigation?

MCKECHNIE: When did you hear back from 8(f) as to whether you should or shouldn't go ahead and send this to OPA?

O'NEIL: So, she never said whether I should or should not, okay I heard from her around 3 or 4 I had already started typing it up to OPA. So, I started typing it up beforehand uh it took me over six hours to do, okay but so I heard from her around 3 or 4'ish I want to say yeah but I had already started typing it up.

MCKECHNIE: But she didn't express any objection to you going forward with that?

O'NEIL: Oh, no, no not at all.

MCKECHNIE: Did she support you going forward with that?

O'NEIL: Absolutely.

MCKECHNIE: And was that a verbal conversation?

O'NEIL: That was verbal yes because I was still out unfortunately.

MCKECHNIE: And then was it after that, that 8(f) had the conversation with 8(f) or before?

O'NEIL: Uh, as far as the when she met with her?

MCKECHNIE: Well, you mentioned that 8(f) met with 8(f)

O'NEIL: Yeah, that was before yup.

MCKECHNIE: Okay, before 3 o'clock?

O'NEIL: Yup, yup.



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- MCKECHNIE: Okay, and during that meeting um with 8(f) and 8(f) I realize you weren't at that meeting, correct?
- O'NEIL: Yup.
- MCKECHNIE: So, you might not have the full details, but did you ever get any knowledge that she stated that she was going to go on 4(d), 1(f) for her own medical condition?
- O'NEIL: Never got that, never matter of fact I really, it's the first I'm hearing that now, I still don't know.
- MCKECHNIE: Okay, so as a Sergeant in your experience um sometimes people take 4(d), 1(f) 4(d), 1(f) for their own medical conditions, correct?
- O'NEIL: Yes.
- MCKECHNIE: But they can also take it for the medical condition of a family member?
- O'NEIL: Yes.
- MCKECHNIE: So, simply an employee stating I'm going to apply for 4(d), 1(f) doesn't necessarily mean that they have any kind of a medical issue, correct?
- O'NEIL: Correct. In 2003 my wife at the time had 2(b) so I took 4(d), 1(f) to take care of my wife. So, yes, I'm very familiar with that just because somebody says that doesn't mean it's for them.
- MCKECHNIE: And had you seen any indication um that 8(f) appeared to um have any kind of mental or physical disability that would you know make her unable to do her duties or require her to take 4(d), 1(f)
- O'NEIL: I didn't see anything that uh where she couldn't do her duties not at all, and I'm going to be careful, and you know I'm not a medical Doctor obviously.
- MCKECHNIE: Yeah, I'm just asking your observations?
- O'NEIL: I didn't see anything where she couldn't do her duties no.
- MCKECHNIE: Okay, so 8(f) met with 8(f)
- O'NEIL: Yes.
- MCKECHNIE: And then what happened after that?



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O'NEIL: What happened after that is uh you know 8(f) had told me about the conversation and this is one of the things that I'm going to I haven't said but I'm going to say that I really believe in my opinion and me and 8(f) had talked about this beforehand, but this all has to do with me being a Black Sergeant. And I'm going to tell you why she made the statement to 8(f) in that conversation according to 8(f) Jean and John are not on the same level there is different classes of people alright oh yeah. And so, what I've been feeling for the last six months has been real and it goes even beyond that, I'm beyond frustrated. Because I've dealt with this my entire life and people they act a fool, yeah, I said it and then they want to hide behind things and that's what I've been seeing. Come do your job okay I don't know what the medical issues are I've been through it I understand it I believe in the program if you have a medical issue I have I can't say who, but I have somebody right now dealing with it and were working with them. Here is another thing in these e-mails you will see that she there is an e-mail there where she's talking about, she got upset because this is one of the things that she would do. She got upset and said, "well you know I've worked a lot it's taken a toll on me I need to take a few days". Now, she did it when I was out of the county alright, so I was like okay no problem don't just take two or three I said you have worked a lot because she did, she's a worker I said take two weeks. I worked with her she had told me that uh she did say she was going to some kind of 2(b) okay this is what she told me and asked me Sergeant it's every other Thursday at 11:00 you know I have 2(b) now again I don't know what I don't ask people anything. I told her I said you know tell you what even though we have stuff were doing uh take your lunch and you know I'll re-route the work. So, I allowed for that I allowed for her take your lunch work out whatever, what can I do to help you to decompress to destress all that stuff. I did everything in my power but what I got from her was a fight, a fight between simple things like just uh responding to call outs. Okay, the first real fight I got from her was actually a in August late August they all didn't want me to be there okay and they just flat out didn't and so Jonah had taken Twitter and held onto it, refused to give me the password, refused to give me access. Now we're going to go a month into it still refusing they all went on vacation I was the only one there, I was "in charge" what happened was um.

MCKECHNIE: Well, you weren't just "in charge"

O'NEIL: I was in charge alright I'm sorry I was being facetious on that.

MCKECHNIE: No, I want to make sure I clarify that you were actually in charge.

O'NEIL: I was in charge uh I through the quote unquote because they didn't believe I was. She was she being 8(f) was in um Florida the agreement was that what they were going to do is because I didn't know what I was doing. She would put out blotter posts or tweets, when necessary, well something major happened that weekend the Chief was in Ireland, Mahaffey was here something happened they started reaching John we need to put something out immediately. I said "Okay", I wrote up a little something um I sent it to Hirjak because Hirjak he we had to approve things through him. He approved it and said this is the information that we want out, I sent it to 8(f), 8(f) is like no I don't want to put this out. 8(f) refused to put out what I said and what Hirjak said refused 100% just refused it. And then when I said, "You know well why?", "well the charges are wrong". Now here is the thing with the charges they can change at any point in time okay



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so all you can even make a generic thing about the charges hey these are the charges, but it needed to be approved. She went and wrote something totally different that was not approved by Captain Hirjak, so I told him I said, "You know what I actually don't mind if we use this however it needs to be approved". We started sending e-mails to Captain Hirjak I said if it does not get approved by 7, 8 o'clock we just need to go ahead and post, 7, 8 o'clock comes around she ignored my text, she ignored and refused another shooting came up that night she responded to me about that but refused to respond about the other one and refused to post it. The next thing came up and I'm getting meanwhile texts from Chief Mahaffey and Diaz why isn't there a post, I had no control I'm trying to tell her to do it and she made the command decision I'm not doing it. Okay, you know I know what's best for the unit so the next day I said, "Hey you need to post these". "Well, I'm just not comfortable posting that stuff, you know it's my name on it it's my name I'm not posting". "You need to post the stuff". "Well, what we need to do is send an e-mail to uh Chief Nollette". No, don't send an e-mail to Chief Nollette okay that stuff needs to go through chain of command. Um, and that was actually the night before the next day she wrote up an e-mail to Chief Nollette and sent it after I told her not to. Okay, that was the first time of insubordination that was and that was a major one not only did she skip chain of command like policy says your supposed to stay within chain of command she refused a direct order, did it anyway and included me and in that sense, it was just basically I'm going to do what I want to do no matter what you say. And that was very clear to me that's what she was doing so I'll be the first one. The other one when I sent out rules and regulations one of the things, they are supposed to do is call me. Okay, she didn't want to do that on call outs they are supposed to text me first so I can know what they are going through, let me give you context on it what was going on with that is we would get a call out they were choosing, they being at the time Patrick and 8(f) things that the Chief wanted them to respond to they weren't responding. So, I was having the Chief come to my office quite often, John where are they? So I had to come up with a plan and the plan was I got a list of the uh offenses that they are going to respond to then the second thing is what they are going to do is they send me a text, basically a page comes out then what they'll do is they'll call the Sergeant, and then based on what the Sergeant says they'll decide whether they are going to respond or not. Okay but they are going to send a text to me you know for an example stabbing non-life threatening not responding. So, that lets me know that way when a Chief calls me this is what we have not responding, she didn't want to do that. So, I said this is how we're going to do this you know from now on and she makes the statement "We'll see about that" and she said, "We'll see about that" and then goes to 8(f) Runs to 8(f) out I don't want to do that you know makes a big deal so that would be one. Second thing she had an issue.

MCKECHNIE: I want to stop there for a minute. So, she also complained to 8(f) in a similar way that she complained to you?

O'NEIL: Yeah, she would run everything to 8(f) that she didn't uh like.

MCKECHNIE: So, in that instance you describe what was 8(f) response to her?

O'NEIL: That she has to listen to me.



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- MCKECHNIE: Okay, and did she object to 8(f) about you know like if she was going given an instruction such as having to listen to you did, she push back and raise an objection to have it her way as you describe?
- O'NEIL: So, I want to be careful in answering that, that's difficult because I wasn't privy to what was being said to 8(f) so some of the stuff I didn't know. Um, what I did know is they would always fight back against me even after you know whatever conversation was had with 8(f) I would still have push back. So, that I know I don't know the actual thing that was going on, 8(f) I'm pretty sure they pushed back in end 8(f) told me that they did but, in the end, 8(f) told me that they did but during the time I didn't know that was happening I actually didn't know who was doing what to be honest with you.
- MCKECHNIE: I'm just trying to get an idea was she treating you know kind of doing some of the similar behaviors with 8(f) that she was doing with you, um you of course being her direct supervisor, so you were getting the majority of it I'm assuming?
- O'NEIL: Yeah, I my opinion is they were manipulating her okay that's what I believe with 8(f) they were manipulating her they would threaten her you do it this way or were going to quit. And that happened a few times, that happened actually back in October, so that's what they were doing to 8(f) is try to manipulate 8(f) 8(f) is a strong woman, strong worker you know all of those good things but there are some things she didn't know about SPD and so they pretty much came at her, and they threatened her. And then with me they basically it wasn't just a threat were just not going to do it, I mean that's pretty much what I can see is them banding together and pulling different stunts to either slow roll or just not do it at all or make it to where the unit collapse or it looks like it's going to collapse. So, either to get me out or to have their way, that's what I saw.
- MCKECHNIE: And when you say they who are you referring too?
- O'NEIL: Uh, the original crew which would be Jonah Spangenthal-Lee, Patrick um and 8(f) 8(f).
- MCKECHNIE: Okay, alright.
- O'NEIL: Um, the next incident that would happen would be with uh actually Detective Bouldin when I got up there, she was doing her park day and there are two things that she said now, and I'll leave certain things.
- MCKECHNIE: And that's the chess park?
- O'NEIL: That's the chess park yes.
- MCKECHNIE: And there is a lot of media attention around that correct?
- O'NEIL: There was a ton of media attention alright um just flat out uh there are certain things that can be challenging when dealing with Detective Bouldin, there definitely can and I



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recognize that. But one of the things that she was having a problem with 8(f) and it was interesting because she noticed how 8(f) was talking to me. 8(f) tended to talk down to people and be very disrespectful whether she realized it or not she talked to people that had been on the job doing the job like they were dumb. Alright, I noticed that she was doing that to Detective Bouldin, and I was like okay so I stepped in, and I'll take it well you know with that sometimes-Detective Bouldin can last minute I want things, but we wanted to accommodate as much as we can we thought it was a great accomplishment, as much as we can. Alright, um so there was one incident where it was like on a Thursday, I knew excuse me it was on Tuesday, but I knew Thursday was available but she Detective Bouldin needed to do an interview on Wednesday. I convinced her to do Thursday because I knew uh 8(f) was open, did it we had a good conversation went up there to 8(f) said, "Hey I got it for you know Thursday". "No, we're not doing it, we said we were going to do it Wednesday were going to do it Wednesday and if not then that's tough". "Well, you said you were open Thursday" "No, were not doing it, were not going to do it on Thursday because I'm tired of dealing with her". I said, "You know what tell you what now I could have ordered her to do it, but to keep the peace I said I'll do that, I'll do it I'll take it. No, this that and the other thing.

MCKECHNIE: And about when did that occur approximately?

O'NEIL: Oh, wow my timelines are going to be off on this so I'm going to say probably October-ish is about the time her park was opening I want to say about October sometime in October.

MCKECHNIE: One second.

O'NEIL: So, uh basically after her that happened, I said no I'm going to go ahead, and do it you don't have to worry about that. Once again, she's going to say, "We'll see about that", yeah and that was a common thing with her. So, she ends up going and calling 8(f) was gone but calls 8(f) the next day and I'm told by other people who are in the office describe that 8(f) came into the office really mad and they saw inside the window it looked like it was contentious in there. Then of course 8(f) came out and the solution was I'll tell you what John you can handle this part of its 8(f) you can have, and it was like 8(f) was refereeing okay and it was almost like refereeing two people at the same level versus no as the supervisor here this is what we're going to do. Alright, and so that really bothered me that day but this is the kind of behavior that I was seeing over and over again with 8(f) 8(f) had a hard time listening to me as a Sergeant, so all this stuff and there is a whole lot more in there was leading to February I want to say it was either the 15th or 14th, all this was leading to that day. Okay, these are things that have been happening over and over again to where it's wearing on me and I'm going to talk about that, every time I've got to turn around, I've got to fight with her I asked her to do an um basically an activity log and I say her I asked the entire unit to do an activity log. Part of that is because were about to hire that was before we hired Durand Dace and we were going to hire we were in the process of hiring a videographer. But I needed to find out exactly what everybody was doing there so I can divvy up the work properly and actually put resources in the proper spots. So, I asked everybody, you know I need an activity log if you can do that for the next two weeks you know, and it wasn't going to be permanent just for the next two weeks. The response I got from Jonah Spangenthal-Lee



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was the next day he went out on 4(d), 1(f) so that was he just went out. What I got from 8(f) was yeah well, we'd like an activity log from you too and that way if we ever have to do your job, we can see what you do. And this is the kind of behavior I'm getting from somebody and I'm going to point out I've got almost nineteen years on there is no respect at all for that. I'm a Sergeant okay there is no respect for that at all she had on three and a half years okay, there is a lot of controversy on whether she should even be off the streets or not. But then you have this person respond in an e-mail and she did that to everybody, so she responded to her Sergeant with a reply all challenging me basically if we have to do one then you need to go do an activity log too. And again, this is the behavior that I've seen from 8(f) she doesn't want to post something so what she'll do is you're supposed to put on the blotter your supposed to put your name. When she doesn't like the topic, she'll put 8(f) and she started doing that and so it was the constant push back from 8(f) that I saw if it wasn't every day, it was every other day. Sometimes the attitude you know anything like that now I'm going to revert back to the other conversation that we had the day the incident happened or the day after. What I was told from 8(f) was this was about her and a person she's dating breaking up, that's what I was told. Okay, so that's the information I had was she had a breakup okay.

MCKECHNIE: So, not a disability?

O'NEIL: Not a disability, she had a breakup that's what I was told and of course I'm thinking to myself well if that's the case I mean either way it goes whatever assistance she needs I'm all for it, that's the thing about it. But I also got to run a unit you know and so whatever I need to do to run that unit I didn't find out anything else as far as what she was going to do as far as 4(d), 1(f) or anything until later on.

MCKECHNIE: So, let me ask you this you mentioned you took several hours to draft the OPA complaint?

O'NEIL: Yeah.

MCKECHNIE: These things that you've recounted for me were some or all of those instances in the OPA complaint or was it just what happened on February 15th in there?

O'NEIL: It was I want to say everything that I just said and more, which was disappointing to me, and I don't know if I can say that or not. But yeah, it was very disappointing in the response.

MCKECHNIE: And at any time did you tell 8(f) she couldn't take uh 4(d), 1(f)

O'NEIL: Never.

MCKECHNIE: Or that she couldn't take uh any kind of sick leave or vacation leave?

O'NEIL: Never, never did I do that.



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MCKECHNIE: Okay.

O'NEIL: Now I'm going to go back on vacation leave only if it wasn't available okay so in other words, I'll approve leave I never said you couldn't do it unless it was a reason that you couldn't do it. So, if there was SPOG we have I'll bring it up because there was one incident where she wanted to go on vacation, but it needed to be approved through SPOG it was above my level. Okay, so.

MCKECHNIE: But you didn't deny it?

O'NEIL: It wasn't me denying it no.

MCKECHNIE: Okay, um and so I want to go through some of these things you sent me is that okay?

O'NEIL: Sure, yup absolutely.

MCKECHNIE: Were going to kind of move onto this so you did send me a couple of text messages.

O'NEIL: Yup.

MCKECHNIE: And um I don't know if you'd be able to tell me this today but there is no date referenced on these um and so I just want to get some kind of context for about when these messages were went.

O'NEIL: Sure.

MCKECHNIE: So, you've got one here it looks like uh it's from 8(f) because it's got 8(f) 8(f) at the top.

O'NEIL: Yes, yup 8(f)

MCKECHNIE: And um it looks like you're saying uh I've noticed you in fact the past few days at times you didn't respond to any of my texts or e-mails in a timely fashion is there a reason for this. And she responds um "what did you need a response on, I slept through the shooting stuff this morning, so it was handled by the time I woke up". Do you recall about when this text was sent?

O'NEIL: Yes, right around it was the 31st it was New Year's Eve basically.

MCKECHNIE: Okay.

O'NEIL: And I believe uh were they working it New Year's Day it might have been New Year's Day so between New Year's Eve and New Year's Day.



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MCKECHNIE: Okay, because it looks like it was at 4:27 p.m.

O'NEIL: Yes.

MCKECHNIE: So, do you think that would be p.m. on New Year's Day then maybe the shooting occurred overnight?

O'NEIL: I want to say the shooting occurred on New Year's Eve, if I'm not mistaken.

MCKECHNIE: Okay, um and she says she's slept through all the shooting stuff was she supposed to be on call and responding to something?

O'NEIL: Yes, so what happened was there was a double shooting if I remember correctly, I was in Canada at the time. She was supposed to be training with Jean so Jean was going to shadow because it was only them two now. The shooting happens what they are supposed to do is like I described earlier if uh it was one of the offenses if a shooting happens or something like that, they are supposed to call the on-scene Sergeant get the information and then decide whether they were going to respond or not, but I put a list of stuff out that you will respond. Okay, to these types of incidents and this was one of them it was a shooting, and somebody was seriously injured um well I had actually, so the shooting comes out I didn't hear anything normally within you know about five, ten minutes you need to be responding because we got a scene going on. I didn't hear anything, so I sent another message to her saying, her and Jean by the way I'm sending this to both of them um any information? And this was around 2:30 in the morning and I believe those texts are in here actually.

MCKECHNIE: I think these are the only two texts I have.

O'NEIL: Okay, so I forgot to send that one too.

MCKECHNIE: That's fine if you can send me some more that would be great.

O'NEIL: So, I have a basically 2:30 in the morning it was around that time approximate didn't hear anything, so I sent another text and at that time when Jean didn't hear she goes you know Sarge you know do you want me to respond. Now mind you at this point Jean had been on two weeks so she is I said you know what go ahead and call the Sergeant because now were getting to the fifteen minutes and just to explain is want to get to the scene before the scene is cleared and before you know the news gets there. Because the news are listening to the scanners and things like that so we have to be there we got to get there quick. So, time is going so I said go ahead uh Jean call the Sergeant she calls the Sergeant gets the information still nothing from 8(f) nothing from 8(f) Well Jean calls back uh texts back nothing from 8(f) would you like me to respond, Jean go ahead. So, Jean responds still nothing from 8(f) Jean writes a blotter post, still nothing from 8(f) 9- 10 o'clock in the morning still nothing from 8(f) 11-12 still nothing from 8(f) to the point where I'm like I might have to do a welfare check and that's what I was thinking I was thinking something must have happened to 8(f) So, I



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was going on two different things she's not responding to me is this on purpose or is something wrong, but I knew she had to report for roll call for an event that was happening that day. So, I was waiting up until I want to say and again my memory is off on this part, but I want to say it was around 1 or 2 o'clock that there was an event happening if she responded to that roll call then I would know she's okay but she's just not responding. Sure, enough she responded to that roll call never, ever did she respond to any of those texts that were sending her, she never stated anything thus the last one where uh she was supposed to respond and by policy. So, this is a violation of policy she was on call slept through it while you were on call, you're getting paid you're supposed to.

- MCKECHNIE: Right did she ever give any explanation as to why she didn't respond when she was on call?
- O'NEIL: This is the explanation she got and then.
- MCKECHNIE: So, she slept through it?
- O'NEIL: I just slept through it.
- MCKECHNIE: Did she indicate she slept through it because she was ill or disabled in anyway?
- O'NEIL: Never did.
- MCKECHNIE: Okay, and then did she ever go onto explain why the subsequent text messages and communications between you and Jean um why she never responded to those?
- O'NEIL: She never explained.
- MCKECHNIE: Did she explain why the next morning you were hearing anything, and she wasn't available at work?
- O'NEIL: Didn't explain any of that, nope what I want to add she did take time on these other ones to admonish me. So, there is a text message here actually I have it in mine it's in there too, but I think it's easier for me to find it.
- MCKECHNIE: Take your time I'm going to look at something here. You might have recounted it in this document.
- O'NEIL: I think I got it right here, so this is the one um it's a text uh e-mail.
- MCKECHNIE: Okay, I have it here. Okay, what does that say?
- O'NEIL: So, it says "Thanks for handling the shooting Jean and for writing up the Auto Theft Op, if you're writing something up or going to send a tweet would you please just shoot me



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and e-mail or text, so I don't start working on it too. I will do the same so we're not doubling up on stuff". Now what's significant about it so that other stuff must have happened early morning because I'm looking at this text message at 3:54 so it was the 31st when all this happened. What's significant about that is at 3:54 p.m. she still never responded to my text, so she's basically telling Jean hey if you're going to write up a post and she was talking about the Homicide and the Auto Theft let me know so were not doubling up but yet she was not responding to me. Had she responded to me you would actually know what Jean was doing in the first place so I'm going to ignore Sergeant O'Neil but I'm going to respond to Jean. And so, this is what prompted me to send my text if you see at 4:27 because she's communicating with Jean, this would go on for her when I admonished her you need to respond to me once again you know what I've been working a lot I need to take time off, that's what leads to that conversation.

MCKECHNIE: Okay, so, just to slow it down and re-cap here she sends this um e-mail to Jean on December 31st, 2022, at 3:54 p.m. still hasn't responded to you, you send her a text message that same day December 31st at 4:27 p.m.?

O'NEIL: Yup, asking her you know that I noticed that she hasn't responded to myself because it happened a few times so what she was doing was she gets mad I'm assuming she was ignoring me. I had the same thing happen with Patrick you know so what they were doing as a whole Jonah didn't do this part, but they just wouldn't respond to me. I'll send out a text, an e-mail they'll just respond so what I end up having to do is actually put something out saying if you're on duty or on call and I send an e-mail or text you are to respond to me. I had to actually put that out in writing because they were just ignoring me, they would refuse and then even after I put that out make excuses of why they didn't respond even though they are on call.

MCKECHNIE: So, they continued not to respond even after you ordered them to please respond?

O'NEIL: Yup. So, in this case this prompted that conversation and this would get into some other things so uh that happened. She was upset we went back and forth because she wanted Jean to send everything to her, I said no everything will go through me and I'll send it out in other words if Jean is going to write a blotter post no she's not going to contact you, you guys all should be contacting me and I will be the one to say don't write it because that way it's going through one person. She didn't like that so in these other subsequent e-mails she is arguing with that you know she's trying to do it nicely but bantering about what I'm saying I'm like no this is how were going to do it. At the end of that that's when she was like well you know what I need some time off, I obliged okay you know. Well so she takes that time off that week we had interviews to do coming up so now it's going to be me and Jean doing, handling on calls because she is saying she didn't want to do it and I was like we'll take care of it and give Jean experience. Come I want to say Wednesday or Thursday this I don't believe these e-mails were in there I was trying to get them back. Um, search for them but she had asked me on I want to say Wednesday.

MCKECHNIE: Are we in January here?



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- O'NEIL: We're in January. Um, if she can come to work but while she's at work take her dog to the groomers and she didn't ask she just told me I need to take my dog to the groomers on such and such. Alright, outside let's just put aside the fact that this is at work, we're just going to put that aside for a second. But in this particular case too we had interviews myself, 8(f) and Jonah were all going to be doing interviews this is where Durand came in with the Chief. So, there was going to be nobody Jean was supposed to be off, so I said to her "Um, well what you'll need to do is use discretionary time for the time that you're going to be you know taking the dog to the groomers". And again, outside of the fact is that's what you need to be doing but furthermore I was going to have to bring Jean in on overtime. And I couldn't have Jean working on overtime while the person that is supposed to be working getting paid is at the groomers, taking care of their dog. And she had another request for uh the next day and I forgot what it was so on both days you can do it you just need to burn time. Well, she called in sick so what she did was she chose to just call in sick, I was like okay I didn't say anything sure enough that same day while I was in interviews uh and incident happened where uh a chase went all the way down to Federal Way. And while I was in an interviews Chief Diaz, he looks at me, do we have anybody? We had Jean so exactly why I did what I did it worked but she appeared not to like what I said, and she appeared to use not just discretionary time but called in sick. Okay, when that's her time I didn't question it, I it is what it is you know I let it go but this was a behavior.
- MCKECHNIE: So, as a Sergeant um as a supervisor is an appropriate use of sick leave for tending to your pets?
- O'NEIL: It is not appropriate to use sick leave to attend to your pets.
- MCKECHNIE: Okay, so we come up to February 15th you've had this long history of issues going on and that day you decide I think this needs to go to OPA?
- O'NEIL: Yup.
- MCKECHNIE: Why that day, you had all these other issues in the past, why was it that day that you decided this needs to go to OPA?
- O'NEIL: Well, there's a few reasons is I saw it escalating and getting worse, alright and you know the thing about it is I try as a new Sergeant coming into a new unit one of the things I wanted to do was try to work with people. So, that's what I was trying to do yes, we can argue that maybe I should have done it sooner you know sometimes I argue with myself about that. But I really do want to get out of the mentality that seems to be prevalent as soon as somebody does something I'm just going to send it, I like to work with them. So, I was writing stuff down but basically keeping track and then trying to work with them, but this situation was getting bad. And like I said in the beginning of the interview this particular one because it was just so blatant. Okay, all the other ones a lot of them are passive aggressive things except for the very first one but this one was flat out, straight up to my face I'm not doing it. It was just you know and at that point I couldn't grab you know Q13 you're going to do an interview it was just blatant and not only that it was in front of people. I have a person being insubordinate to me. They um they are not



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listening to me: they are coming in when they want to do it and at that point, I felt it was beyond what I can there is no more that I can do. And that's when I reached out to OPA because I felt there was no more that I can do.

MCKECHNIE: So, on that day February 15th when she was refusing to do the interview um did you feel like if you had continued to order her, force her to do the interview, did you have confidence that she would have been able to perform uh appropriately?

O'NEIL: If I had ordered her to do the interview, it would have been tough you know on that one to be honest with you at that point after she was talking it would have been tough. Do I think she could have pulled it together I do: I honestly do because that's what we do. I mean there has been plenty of things that we do. But at some point, I probably would have had to go you know what let's take a different route, but we needed to address what was going on, the behavior needed to be addressed, the interview could have been dealt with.

MCKECHNIE: So, what was the catalyst for you to say do you need to go home?

O'NEIL: Because at that point when I'm looking at the physical okay on it, I see what she's done for the morning, alright what she's done for the morning not doing her work. Uh, she was combative with Jean, slamming things she was clearly angry that's the one thing that I knew there wasn't any emotion she was angry. And so, when you have a combination of her not doing the job that she was supposed to do and blatantly refusing to do what I asked her to do at that point and then but wanting to do other work I felt that it was in the best interests at that point yes, she should go home, and this should go to OPA. Somebody needs to deal with this, had this let's just say this was an isolated incident if this was an isolated incident how would I handle it? Probably still said you know you might want to go home on that but maybe actually talk with 8(f) hey this is off her baseline you know we talk about wellness things like that I've asked her and by the way I asked her about wellness before if she's ever having any problems or too tired or anything like that and that was just purely on the fact of the work we do not because I thought something was wrong with her in that sense. So, I mean that's pretty much how I would have handled it you know if it was a one off.

MCKECHNIE: Okay, um I want to go back through some of these exhibits that you have. So, we went through the text message that first text message so the second text message it looks like it's a list of uh incidents. It's not clear to me who is sending these to whom.

O'NEIL: Gotcha. Alright, so this was the uh the incident this was kind of basically the incident where I was telling you where I said that dispatch was going to call me and text me and she said we'll see about that. She didn't respond it was a lady found floating in the uh Green Lake River, she decided she wasn't going to respond to it, and I said, "well yeah that's probably something we need to respond to until we know why there is a lady floating in the river". And she got upset with that and so uh there was a.

MCKECHNIE: So, who is texting these, who's sending these messages?



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- O'NEIL: This right here is just this is just a copy of what um dispatch sends us, so this is dispatch and I'm concentrating on the DOA. And I was just showing that was a DOA I don't think I put the explanation in here, yeah, yeah.
- MCKECHNIE: You did yeah, okay that makes sense. Um, I didn't know if this was like various texts on a phone or what. Okay it looks like if we go to October 2022, you issued you wrote up some kind of narrative for.
- O'NEIL: Expectations yes.
- MCKECHNIE: And um was this like a regular scheduled kind of performance meeting you were having, or you titled this document expectation discussion October 12, 2022?
- O'NEIL: Yes, um so.
- MCKECHNIE: So, what prompted this meeting?
- O'NEIL: Um, I want to make sure because I had several so what was going on was um and I have to put in there that I was uh temporarily assigned I was doing a 60-day at the time. Okay, but I was still the Sergeant of the unit, so it was getting close to me being so August, September actually it was that time that I was assigned to the unit. So, I needed to put out expectations because I was being assigned to the unit, so that's what that was.
- MCKECHNIE: So, you're the new Sergeant and you're saying this is what I expect of you, when you talked about wearing your uniform, if she's on a call out wearing business attire, did you have any issues with her around that?
- O'NEIL: Oh, yeah. Really got very upset. I received complaints, which is what happened, and one of the main complainants was Chief Diaz, that's who the main complainant was. I had a couple of Lieutenants come to me telling me that what she was wearing was inappropriate, okay, a couple of them did.
- MCKECHNIE: What was she wearing that was inappropriate at the time?
- O'NEIL: One person said that she looked like she just came from a club, and it was a very short skirt and um the shoes were inappropriate it's not business attire you're supposed to be in business attire with an SPD jacket on.
- MCKECHNIE: More party attire?
- O'NEIL: It was more party attire uh stuff like that. Um, and some people would argue that maybe um just not appropriate okay. I didn't see it so I'm reluctant to go how it was described to me was it was inappropriate.
- MCKECHNIE: And why is her manner of dress important to the **8(f)** unit?



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O'NEIL: Because she is the face when they get on TV, we are the face of the Department, we represent the Department. So, she goes to these scenes at night, and they look one they need to know that you are representing the Seattle Police Department so you should have some kind of jacket on or what have you sometimes she was putting that on. But then the rest of the it you know it was just inappropriate even down to things like Birkenstocks or you know wearing that kind of stuff you know to scenes. You know well I didn't want to put in a hard line okay because I get it in the middle of the night sometimes you got to throw something on and go but we have to be business attire at least appropriate. She gave me a hard time on that one, she argued with me you know didn't want to do it.

MCKECHNIE: Okay, um and you have on here call outs it looks like she didn't object too much to that, but she objected that you were going to be called out as well as BIL?

O'NEIL: Yup did not like that.

MCKECHNIE: Was that something different that changed?

O'NEIL: Yes, and I'll say pretty much all of this was a change.

MCKECHNIE: Okay.

O'NEIL: All of it was a change.

MCKECHNIE: And you advised her no more work from home for sworn?

O'NEIL: Yup.

MCKECHNIE: And to be clear that's an SPD/HR directive, right?

O'NEIL: Yes.

MCKECHNIE: Um, it looks like she kind of pushed back and said well she'd just call in sick then?

O'NEIL: Yup.

MCKECHNIE: Okay, and she went to the 9/80 schedule it looks like she questioned your authority to be able to put her on a 9/80 schedule?

O'NEIL: Yes. While she liked it, she had an issue with how I was able to do it, okay and this goes back to my original statement of what she told **3(f)** about you know classes and things like that. Just basically how do you have the authority to do it, it was a real issue.



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- MCKECHNIE: Okay, and did you give her a certain amount of notice going to the 9/80 schedule like in two weeks your schedule is going to change or?
- O'NEIL: They had a choice she could have stayed on the schedule she was: she could have taken the 9/80 she had a choice yeah there was a choice she chose the 9/80, yup absolutely.
- MCKECHNIE: So, it was kind of an interactive she wanted the 9/80 and you were able to get that for her and then she questioned how you were able to do that?
- O'NEIL: Yes.
- MCKECHNIE: Okay, but then you also listed her as an expectation following orders from the chain of command and I want to emphasize that this is back in October 2022?
- O'NEIL: Yes, and her explanation for sending that e-mail that she ended up sending to Chief Nollette was because I didn't know what I was doing. Okay, she also talked about me having to put stuff in writing now don't get me wrong there are things that I want to put in writing I absolutely want to however that's not a requirement. Okay if I ask you to do something you should do it and that's where I start asking did you have this expectation of other people? You know your supervisor before did Randy have to put excuse me Sergeant Huserik put anything in writing in order for you to do it? She didn't want to if I say post something she didn't want to have to post it so she did that she would say put it in writing that kind of stuff. So, this is the kind of behavior that she was having and I had to explain to her that's not how it works here okay your still sworn and I'm sworn if were out in the field and we have to go enter a house okay I'm not going to put it in writing if I tell you to go left and you decide to go right. That's not how it works no, no, no you're going to do what I ask you to do we can debrief later as to the whys, but you need to follow direction, so I went heavily into the chain of command. Very resistant to it which was shocking to me because she was in the military but very, very resistant to uh me saying what I'm saying she basically stood by her sending that message to uh Nollette because she knew better than me is what she told me she knew better than me. I was new to the unit, and I was only an Acting Sergeant is what she said which I was not an Acting Sergeant.
- MCKECHNIE: Well even had you been an Acting Sergeant you were still the supervisor, right?
- O'NEIL: Yes.
- MCKECHNIE: And you were still a Sergeant?
- O'NEIL: Yes.
- MCKECHNIE: At that point you know you were assigned as the Acting Sergeant, so you are the Sergeant?



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O'NEIL: Right, right.

MCKECHNIE: And she an Officer would be expected to follow the instructions of an Acting Sergeant?

O'NEIL: Yes, absolutely.

MCKECHNIE: As well as a full hard stripe Sergeant?

O'NEIL: Exactly.

MCKECHNIE: Okay, so let me move onto November of 2022 along about November 9th, you issued another write up here. Um, you want to tell me about this?

O'NEIL: Yes, so this is for the DOA that the text message and if you get can I take a second to just refresh my memory here.

MCKECHNIE: Sure.

O'NEIL: Okay, yeah so that goes to the instructions I had given them to give me a call on certain things and this was one of them and part of that I said anything that's going to draw media attention. Alright, um a body floating in the river is going to draw media attention right, she knows this so when I she didn't send me anything. So, that's the first thing I didn't you know there was no response there was no you know I got this call because a text message a group one page comes out to me too. I'm waiting on her to give me a text message about what it is. I hadn't received anything, so I sent her a message sometime later did you go to the DOA they found floating. And of course, uh 8(f) responded no not suspicious elderly missing persons. Okay, and so I'm saying.

MCKECHNIE: And I just want to make note here you've got sometimes so it looks like that's about an hour later?

O'NEIL: Yeah.

MCKECHNIE: Okay.

O'NEIL: About an hour later which yeah. So, um when I said you know I responded okay on these please don't forget to notify me whether or not you are responding with the reason. I didn't receive anything back for over two hours, now mind you again she's on call okay so if your supervisor is talking to you on call or on duty, I would expect you to respond in a reasonable amount of time. I get it things happen you're on a scene and things like that but you're getting paid I'm reaching out to you respond something yes, okay or this is the reason.

MCKECHNIE: So, you were really clear you asked her to respond as to whether she would be responding and the reason and did you get that response from her two hours later?



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O'NEIL: What I got from her was um at 13:25 okay can we talk about this more tomorrow at work maybe I need some clarification. So, that was another thing I would run into in the unit alright so it's either slow push or I need clarity I don't understand. Now, anytime somebody says they don't need clarity, or they don't understand I'm going to take it at face value until you keep saying it over and over again and I see a pattern that you're doing it when you don't like something. So, in this case I said absolutely you know no problem we got it and we talked about it, she said she understood but she pushed back what it was is she didn't want to have to text me on what was going on. She wanted to be able to do like they used to do and basically if something came out, she would decide whether she goes or not and I'll know the next day when they write about it, that's how she wanted to do things.

MCKECHNIE: But to be clear she never actually told you I'm responding, I'm not responding, and this is my reason?

O'NEIL: No, yeah, she never did.

MCKECHNIE: Okay, even though you clearly asked her to do that?

O'NEIL: Yes.

MCKECHNIE: And do you have that text exchange still?

O'NEIL: I'm sure I can probably matter of fact I'm pretty sure all those texts we can get I haven't really looked for them but I'm pretty sure I can.

MCKECHNIE: Okay.

O'NEIL: I can have IT help me with it.

MCKECHNIE: Okay. Um, alright so then we come to um December 9th um that was another narrative here, you wrote up this one.

O'NEIL: Yes, I've got it in front of me.

MCKECHNIE: So, tell me about this what happened on December 9th?

O'NEIL: Uh, okay so December 9^h, tension is probably were still a little bit high within them because Patrick had just been removed, they didn't like that. Um, they being Jonah Spangenthal-Lee and 8(f) I was having a unit meeting with them because one of the things they were not doing was getting information out. And the Chief um he was adamant about it and when I say he was in my office almost every other day he was John we need to get this stuff out it got to a point where for this major city uh our numbers for getting a tweet I mean I think we had one time almost a week went by and



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one tweet. And I'm like how in this major city with all the stuff that's going on and this is Chief Diaz talking to me do we have no posts or tweets. So, I had a meeting with them, and it was to brainstorm ideas that we can get you know more posts out, get more posts and things like that one of the things is getting the information to us. Alright, uh there was a problem with the group one pages some of the group one pages we weren't getting. The second thing is they just didn't want to post certain things so they had their idea of what was news worthy, okay what I did I said well we've got to get those out and then I noticed when I was working that there were certain things that would come out over radio because I would be working overtime that we didn't get the group one page for. So, I was working on that end with dispatch so I'm working a different areas to get more information to us, I told them Hey you know this is what we need to do we have a new person coming in um I would like to I want to brainstorm ideas what do you guys have so we can get that information. Uh, they are adamant that there is no more, there is no way we can get more information it just is what it is, we're doing all that we can and there is no more. So, I started throwing things out when I got to um actually working weekends you know having somebody work weekends, that's when 8(f) just said I can't take it no more and started crying, you know I've worked a long time this is you know too much. And I asked her what is the problem, well it's not fair to the new person that they would have to work weekends and I'm like they are the new person I mean that would be the job, that way I can have somebody working weekends you know that can listen to the radio. What it was the breakdown of what it was it was about tapping into overtime and stand by pay, okay you have somebody working weekend you take away that stand by pay that overtime which is lucrative. Okay, which would affect her financially so that's what the underlying real reason was for that. So, when I suggested that it appeared to her that I was taking money from her and that wasn't my intent, but I understand why that would look like that I was just trying to get more posts out. So, it put them in a conundrum because basically I was saying well figure out how to get more stuff out there or were going to put somebody on the weekends and they will be able to do it. Um, that particular day uh she basically got upset started yelling you know, and I'm sitting there and tells me that you're going to look, and nobody is going to be left in the unit, we'll leave the unit. Again, that's been the theme that they were doing alright basically threatening to leave the unit. I looked at both of them and I said if you guys are unhappy working here then I understand I said I have a job to do you guys are unhappy I will help you to get where you need to go. If you're not happy and we can work through that but there is job that needs to be done here and if you want to work here glad to have you here, want you to work but we're not going to have it to where you're going to leave the unit because you don't get your way. Well just I'll tell you what let's put it in let's just make it happen that way we all can be happy. So, that's pretty much um you know what happened that day.

MCKECHNIE: Okay, um and then we kind of come to the a group of e-mails that you provided that um are in early January. Um, this one right here and um one thing that caught my attention here is on January 1st, 2023, at 11:05 a.m. 8(f) is asking and proposing to you that Jean start taking uh every other week on call.

O'NEIL: Yeah.

MCKECHNIE: So, at that point did she feel that Jean was ready?



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O'NEIL: No.

MCKECHNIE: 8(f) didn't feel Jean was ready?

O'NEIL: No.

MCKECHNIE: So, why was she suggesting that then that Jean should take every other week on call?

O'NEIL: So, what happened was and some of the stuff I it's going to just I can tell you what happened but also there is some opinion in it. Okay, this is coming off that weekend of the double shooting where Jean responded, and she didn't. And this is an extension of that whole conversation um she felt like if Jean took it again, I believe that she thought the unit was going to fail.

MCKECHNIE: Okay, so she was being sarcastic or?

O'NEIL: Yeah, she yeah no actually it was one of those you know what let's have Jean do it tell you what let's have Jean do it and this was a common thing. And me I would be like you know let's have Jean do it and that's what we did. Jean not only did it, but she did so much even 8(f) commented she is working circles around 8(f) can you have her slow down because it's making 8(f) look bad. The intent of what she was doing was to hurt the unit not help the unit.

MCKECHNIE: Okay, so you respond on January 1st saying you've been carrying a heavy load for this unit ever since I got here, and you basically say okay it makes sense we'll put Jean on?

O'NEIL: Yes.

MCKECHNIE: And then how did she respond to that?

O'NEIL: Um, like she basically said okay I got the keys and whatever but again I believe she thought it was going to fail now mind you this was the same group when I got on, I couldn't even have the Twitter password, access. Now Jean is coming in here and three weeks into it oh she's ready to be out all by herself, this was definitely flipped you know. So, me and her it was one of those things that honestly, I knew what she was doing, I knew what she was trying to do. Um, I wasn't going to go and play the game I'm not going to beg her you know no, no please, please no, no, no I'll tell you what you take time off because she did, I told you before she worked hard, she did do I think that she could have handled it better absolutely. Okay, there are ways we could have worked into it even down to the day where I worked with Jean, let Jean start taking the bulk of the work then we go uh huh what she did was um no go ahead and let Jean do it. And I believe personally it was so we can fail, so she could fail same thing happened with Patrick with me I went on a trip and Patrick left, he literally oh I got a family emergency didn't get a replacement just left. That weekend it was like a Homicide and everything else and it was a disaster, I came back only with a month and half on it was just me in the unit everybody else was gone. This was I saw this with all of them and it looked like a



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coordinated attack that were just going to keep doing these different things to try to hurt the unit, and that's how I saw this one, two while she did need rest to me, I think she did uh, but this was pretty much on purpose.

MCKECHNIE: So, um during her intake interview she stated that um you put Jean um on call after she'd only been on the job a few weeks and she felt that was inappropriate. Did she ever tell you that she felt it was inappropriate for you to take her suggestion and put Jean on call?

O'NEIL: No.

MCKECHNIE: Okay, we already discussed the next group of e-mails that you sent me which was the ones over New Year's Eve.

O'NEIL: Yes.

MCKECHNIE: Um, now there is one group of e-mails from the 23rd & 24th, and it's regarding your instructions on blotter posts and tweets do you want to talk about that?

O'NEIL: Yes, let me take a look at it really quick.

MCKECHNIE: Okay, so what happened then on the 23rd and 24th of January with the blotter posts and tweets?

O'NEIL: Okay, so what happened with that was um she put out something uh what was it here it is, so they were supposed to let me know anytime they are putting out, posting anything you know bulletins, tweets, you name it if they were going to be on Twitter, the blotter they were to notify me. Ironically that came from it stemmed from 8(f) that goes back to the 1st when she admonished Jean that night for not contacting her before she put the blotter post on the murder. So, that's what I did at the end part we went back this is a conversation that you could see that's in there from January 1st all the way to the 23rd and um while it's what's the word I'm looking for while it looked cordial this is somebody that's been bantering with me because they disagree with what I'm saying. And so when I said I'm going to go back to this one uh so after she had said thanks for handling that Jean I put in mine response to everybody I agree communication is key this is on January 1st instead of contacting each other whenever any three of you are about to work on a post or Tweet shoot me a text with the incident number and the information of what it is. This will serve two purposes I can make sure no one else is posting the same thing and advise accordingly, it keeps me informed of what is going to be posted before it happens. So, basically I put that in there um in response to her and I'll go up here to this one in a second uh so going above that post after I put what I wanted to do and that's kind of highlighted on yours, she responds since communication is key how about we just e-mail everybody that information so we all know what's going on, that saves you from being the middle man Sarge but keeps you apprised of the pending posts. Now after I'm saying I want everything to go to me no let's just send it to everybody, this is her pushing back. So, I didn't want to you know argue with her, but I put I responded after careful consideration we will do the plan that I laid out for now. So, that was the last of that thank



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you for your input um now what she did was she posted something and didn't send me anything this is two weeks later. I called her out on it hey I didn't get a notification on this, she tried to say no we never agreed to do that and that's when I went back and said no actually here is where we agreed. And I brought that tweet back up this was my final orders to you, and she tried to say that didn't happen basically she knew it happened, but I don't think she knew that I was going to pull up you know the actual conversation so that's what these tweets were about is the constant.

MCKECHNIE: E-mails, right?

O'NEIL: E-mails excuse me these are e-mails about because of the constant push back when she didn't want to do something she would fight back and what I had to do is remind her this is what I said you need to let me know. And remember it's all pretty much a common thing I don't want to have to deal with you, whether it's text responses, e-mails, authority, interviews, we can just sum it up I don't want to deal with you. I don't accept you as my Sergeant, I don't want to deal with you and she made that very, very clear.

MCKECHNIE: Okay, um and then I think at some point um 8(f) sends an e-mail to Gino Betts on March 20th, and that is behind this e-mail it's attached to your e-mail acknowledging receipt. Second page of that one so on March 20th at 9:26 a.m. 8(f) sends an e-mail to Gino Betts um one thing that she says in here right off the bat is good morning, Director Betts I share Sergeant O'Neil's concerns see e-mail below. Did you have some was there an e-mail from you attached that I don't have?

O'NEIL: Yes, there was. I have it here that I can present to you know I'm mixing up my stuff, there we go. It's this one right here I stapled them but I'm going to go ahead and give you my copy because I won't need it. So, this was to 8(f) but I asked her to send it to Betts.

MCKECHNIE: Okay, so you're showing me an e-mail you sent to 8(f) on March 17th at 8:56 p.m. so why don't you tell me about that what prompted that e-mail?

O'NEIL: So, this is what happened after I sent my complaint up to OPA um they took a look at it after I thought it was 32 days, but it was only about 3 days and decided it was going to be a supervisory action. Uh, what stands out to me and what really bothers me was the depiction that um Sergeant Beemster, how she depicted the whole incident and what I should have done in my responses to it. Um, I think it's actually it might be in yours the one I just handed you what I'm looking for is.

MCKECHNIE: You took it back I think I handed it back.

O'NEIL: Oh, okay you did, let me get this organized.

MCKECHNIE: Yes, take your time.

O'NEIL: This is what you gave me, so I'll set that aside. Uh, I highlighted alright of course it's the last one. Okay, so what was disturbing to me was the analysis, investigation and



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summary analysis from uh Sergeant Beemster in OPA. And what she puts in here is she gives five findings based on the information Sergeant O'Neil included in his e-mail. Uh, so one of the things that she said was when Acting Detective Gulpan relayed what Sergeant O'Neil had said 8(f) went and spoke to him directly uh during their brief meeting Sergeant O'Neil noted 8(f) appeared to be red in the face and she was shaking when she told him that she was not uh going to do the interview. He described this as a bold declaration and insubordination when asked if she needed to go home, she answered she wished she could, but she had work to do Sergeant O'Neil noted that his director had given him discretion to allow people to leave if the situation called for it. For that reason, it appears that he then told 8(f) that she could go home, and she did just that. Okay, I'm going to follow up on that statement um in a minute um so with her actual investigation it appears that Sergeant O'Neil added extraneous information in his complaint involving 8(f) he noted past incidents and included e-mails and copies of text messages involving her bad behavior dating back to August of 2022, however this intake investigation only deals with the incident on 2/14/23. The first problem I have with that all the stuff I included is a build up to this incident so that's number one um she puts its unclear why Sergeant O'Neil relied on active Detective Gulpan to relay his instructions to 8(f) It appears that this would have been best to have him tell 8(f) himself, once again how about a phone call ask me why I didn't do that because there was actually a good reason. Okay, she I was never asked during this I was never contacted: 8(f) wasn't contacted, Jean wasn't contacted. At last, it is also unclear why Sergeant O'Neil didn't ask 8(f) 8(f) why she was so adamant about not doing the interview, Sergeant O'Neil said that at no time did she offer an explanation why. Why didn't he ask her? Would de-escalation have assisted him with gathering additional information about the situation to resolve this issue, perhaps she would have done the interview, perhaps there was something more important than work that was playing a role with 8(f) attitude and why she didn't want to do the interview. Sergeant O'Neil simply sent her home, and she did not do the interview. Okay, this is probably one of the most biased assessments I've seen it is pathetic and should be unacceptable at any point in time. How in the world are you going to write something you never even called me, all of these questions I could have answered um I relayed that message to Jean because I was tied up this was something that was already unit standard, so it wasn't a new order, this wasn't something new, this was like hey do the interview. I didn't even look at yeah, she's being how she is, this is how she is 8(f) is up and down all over the place all the time, that's how it is. Even another Sergeant in the unit noticed that she comes in and slams doors and things like that. Other days she's happy, that's just how it is with her. So, this was not a different day at that point to me it was a simple thing yeah if you don't want to do it you know Jean tell her I said that she needs to do it. I went back to my work so that's number one.

MCKECHNIE: So, at this point on this day Jean has been on the job two to three weeks?

O'NEIL: Jean um at this point she had been on it was February she got in late December so about a month and a half.

MCKECHNIE: So, about a month and is she still learning, Jean is still learning?



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O'NEIL: Uh, yeah Jean is still learning the part of 8(f) absolutely I want to note though and this is important but Jean has been is on the Sergeants list and has been Acting Sergeant in Patrol. So, giving orders or stuff like this it wasn't like I was giving her telling her to give an order on something that is brand new, and she don't know about 8(f) this is an interview. So, she has that experience she's been to Sergeant school okay all that stuff, so it was absolutely appropriate to do so plus by policy I'm allowed to do so and that's where I take issue why are you questioning me on something that's in policy. Policy clearly states I can so what I want to know is am I not allowed to do policy, or should I have known that you know what 8(f) is special and policy doesn't apply to her. What are you trying to imply that I couldn't go through Jean to give an order, I need to know these questions okay these are the answers that I need to know. The second thing is well not second um as far as de-escalation so again as Sergeants I've been this now as a Sergeant for about five years going on five years I get it somebody is having a bad day in wellness you do all of this other stuff but you have bad days and as a I described throughout this entire interview and then you have employees that are just bad behavior employees. I've been dealing with bad behavior employees that particular day she is up: she's down how often am I going to do that do I just have to every single time somebody doesn't want to do their job and they are in a bad mood that okay you just leave for the day. Where will we be? Okay, that's unreasonable, de-escalation now I have to de-escalate and I'm not saying that there is not a place in that, but I'm expected to be running around de-escalate people at work. Hold on a minute you should I should have an expectation that my employees when they are coming in and do the job that they are supposed to do if they have personal issues or things like that, I get it. So, throughout this thing when there was some issues, I tried my best to work with her but this particular day she was not only disrespectful she cussed at Jean okay she was disrespectful to me, and she didn't do her job. None of that is mentioned here, that's the thing about not one item with 8(f) is mentioned in this except oh well she was having a bad day and going through some stuff. What oh so can I just walk up and slap somebody on the job and then just go out and be like well I was having a bad day, that doesn't work like that. We will take care of your bad day we get it we'll get you the assistance you need but you know what you need to answer for slapping that person. That's just the whole point so it angers me when I see this that e-mail that I gave to you, that e-mail I had sent that to uh 8(f) To this day I've got no response I mentioned that I feel like there was bias towards me as a Black man where is my complaint? That was sent a long time ago I have heard nothing.

MCKECHNIE: Okay, so I don't have your e-mail here you took it back. You've got your OPA response, this is 8(f) e-mail.

O'NEIL: I think it's attached to it.

MCKECHNIE: Okay, uh no this is just her e-mail.

O'NEIL: It is that's her e-mail, uh.

MCKECHNIE: I think I handed it back to you is it this one?



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O'NEIL: That's going to be oh maybe that is yeah.

MCKECHNIE: Yeah, I think this is it.

O'NEIL: Yeah.

MCKECHNIE: Okay, so this is your e-mail saying.

O'NEIL: That's my e-mail to 8(f)

MCKECHNIE: So, tell me what you're saying there?

O'NEIL: So, and 8(f) forwarded this to Betts okay in this there is a lot in here but I provided the facts, I told them I provided paperwork text messages, I provided documentation, of her violating policy for on call stand by I provided documentation of her refusing to not responding refusing to respond to e-mails or texts or delayed responses, I provided a witness to her final refusal to follow and order given to me to do an interview. In my declaration I stated all three employees 8(f) Patrick, and Jonah stated they did not want me as their Sergeant before I arrived and during my time there. I also stated that they gave me a hard time with 8(f) consistently being combative and insubordinate in my declaration I stated 8(f) told me I would need to put things I order her to do I writing. Um, I go onto ask questions and I'll just highlight that unless you want for me to read them all?

MCKECHNIE: Oh, no um I've got I'll just keep a copy of that e-mail but what I do see is that 8(f) sends this onto Director Betts right?

O'NEIL: Yes.

MCKECHNIE: And she states in here she's encouraging an additional look by an OPA investigators?

O'NEIL: Yup.

MCKECHNIE: Do you know what response if any OPA gave to her e-mail?

O'NEIL: None, neither one of us got a response at all to this day I got nothing.

MCKECHNIE: Okay.

O'NEIL: And I know I keep talking forever but it angers me because we're supposed to be about transparency you know I look at it like this I have rights just like everybody else. I think it's a travesty that I'm sitting here, and I put all this stuff together. This is what really gets me, I've kept document after document, texts, e-mails. I call it out I send it in I do what I got to do when I can't really take no more, I'm like hey I need your assistance you turn around and your resolve is to send back my whole complaint she's being insubordinate



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not doing what she's asked to do. I have a witness that says yup my supervisor is yup from day one they didn't want John there so I'm not making it up I have another witness that's saying that. I send this up your solution is to send it back down saying yeah sit down and talk to her and tell her that she needs to listen to you, it's ridiculous. Yet, all she has to do is file a frivolous complaint and it wraps my time up I've got to go through interviews I'm waiting for that OPA interview. Because my deal is, and you've got to know if I have to sit down with OPA after they refuse to investigate a serious uh policy violation but then I'm going to turn around and get investigated for retaliation. The second thing his how is that whole thing or this not retaliation on 8(f) part? She was removed from the unit, and she filed, how is that that's the definition of retaliation. Is anybody going to file anything on that? That's the thing that is bothering me and at this point I'm venting: I'm talking but I'm venting but you've got to know it gets tiring dealing with this stuff. All I want is people one if people don't act right hold them accountable that's it holds them accountable but what I don't like to see is people doing this stuff and they are not being held accountable. And this is what's going on, this spreads it just spreads.

MCKECHNIE: So, let me say that you said that um you just said that 8(f) was retaliating?

O'NEIL: Yup.

MCKECHNIE: Um, and uh explain to me what you mean by that what has she done to retaliate in your mind?

O'NEIL: What's she's done she's filed this complaint, alright what happened was I filed that complaint the day within 24 hours of the incident happened. The time is basically took it's been over two months and I'm just going on based off of the information that I was sent if it was filed earlier than what was said on there then I don't know that but based on what I was seeing it was uh filed about a week and a half ago. Well, she was just kicked out a week and a half ago.

MCKECHNIE: Now explain to me what you mean by she was kicked out, because I want to back up a minute before you answer that. She's been on 4(d), 1(f) um and my understanding is at some point her 4(d), 1(f) ended and she was coming back so why do you feel she was kicked out?

O'NEIL: Let me re-phrase that she was removed from what I was told okay I was told she was removed she just grabbed her stuff and she's gone now.

MCKECHNIE: Okay, so who said who told you she was removed?

O'NEIL: Director Fields.

MCKECHNIE: And did he explain why she was being removed?

O'NEIL: Nope, but right after that happened, she filed this complaint.



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- MCKECHNIE: Okay, um alright. I'm just going to ask a few closing questions um but before I do did you have anything else you wanted to add Sergeant?
- O'NEIL: Uh, yeah, I do um along with that is I recently just went through the process of Lieutenants, and she knows this not only is it retaliation in that, but it affects me with this OPA complaint and this EEO complaint. This is a coordinated attack on me and I'm tired of it and that's really all I want to be said is it's too easy to file a complaint and not be held accountable and the damages from it and they know it and who is they employees they know it, they know that I'm going to do certain things to get even if it goes no where basically the damage can be done just by filing a simple complaint over foolishness. And it wears on supervisors, that I know for sure.
- MCKECHNIE: Okay, so when you say your on the Lieutenant you elaborate what you mean?
- O'NEIL: So, I just went through the process of taking the Lieutenants test were waiting for the list to come out now if I don't make the list, I don't make the list but if I make the list what happens is they put you in order and depending on where you are on the list um is how they promote you. If they happen to while this investigation is going on get to my name on that list, they can skip me because I'm in the middle of investigation for OPA and EEO, that's why.
- MCKECHNIE: Okay, and how do you know that 8(f) knows that you had taken the Lieutenants test?
- O'NEIL: Oh, because it's been talked about, and I've told all of them and that was before any of this happened, so they know.
- MCKECHNIE: Okay.
- O'NEIL: Yup, absolutely.
- MCKECHNIE: Alright, anything else you want to add?
- O'NEIL: No, I don't have anything else to add.
- MCKECHNIE: Does SPOG have anything you want to add?
- BYRD: No, Ma'am.
- MCKECHNIE: Okay, and so prior to receiving the notice for this interview and other than what you've already told me today do you um have any knowledge of um 8(f) doing uh anything else that you want to report?
- O'NEIL: No, just the stuff that um basically I reported before can I add this one thing?
- MCKECHNIE: Sure.



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- O'NEIL: The other thing that bothers me about OPA is they said that they are only investigating this incident, so my question is are you going to investigate the other ones then. If you're not going to include in this one or even, consider it as part of the reason of my actions are you going to, I turned in that she was being insubordinate so is OPA just going to ignore all those other ones or are you going to individually investigate them since you're not going to make them part of this one which it should be. That's what I want to know and then my question is why not? I want to know why and is that your practice, is that your common standard so you don't investigate things in the past, I need to know these things. So, anyway that's all I got.
- MCKECHNIE: Have you ever before turned in an OPA complaint that had a series of events that spanned a period of months?
- O'NEIL: Yes, yes.
- MCKECHNIE: And in that instance did they investigate all of the series of events or only the last one in the series?
- O'NEIL: You know that's a tough question because I don't know yet, I don't know I think it was a contact I think it just got reported as a contact.
- MCKECHNIE: Okay, alright fair enough. Alright, um anything else you want to add?
- O'NEIL: That's it.
- MCKECHNIE: Okay, then with your permission then I'm going to end the interview, okay?
- O'NEIL: Thank you, yes.
- MCKECHNIE: Okay, so the date is still May 16, 2023, and the time is 13:33 hours.