



Shelton Police Department

Citizen Complaint Report

Citizen Information

Citizen Name: [REDACTED]
Address: [REDACTED] Phone Number: [REDACTED]
Email Address: [REDACTED] Alternate Phone: _____

Officer/Incident Information

Officer Name/#: HECTOR DIAZ
Incident Location: TBD / MASHN COUNTY GRAYS HARBOR Date/Time: TBD
Case Number: _____ Taken By: CPT. FIGLA

Complete this form with all information and return it to:
Shelton Police Department, 525 W Cota ST, Shelton, WA 98584
All inquiries will be addressed within 48 hours of receipt.

Provide a detailed complaint below:

COMPLAINT VIA EMAIL (ATTACHED) / ALLEGATIONS
340.4 GENERAL STANDARDS
340.5.2 ETHICS
340.5.8(i) PERFORMANCE
340.5.9 CONDUCT

If there were any other witnesses to the incident described above, please provide their information:

Name: _____ Phone: _____

Name: _____ Phone: _____

Name: _____ Phone: _____

EMAIL

Signature of person making complaint

Date

Shelton PD Use Only
Do Not Write Below This Line

Date Received: 7/22/19

Received By: Fisca / Moody

Method Received: In Person Email Telephone Mail

Comments:

Mike Fiola

From: [REDACTED]
Sent: Monday, July 22, 2019 8:37 AM
To: Darrin Moody
Cc: Mike Fiola
Subject: Complaint - Help Needed
Attachments: Complaint 7-22-19.pdf; TEXT.jpg

Hello Chief Darrin Moody,

The attached complaint is in regards to the harassment and threats made by one of your police officers, Hector Diaz and the victim is my sister.

Due to his mental instability, I am worried that he may make bad decisions as a result of this complaint. I want reassurance he will not harm my sister or her kids.

She is going through a difficult time, therefore if anyone needs further details on this situation please come to me directly.

Unfortunately, I could not print out the civilian complaint form and wanted to get this to you quickly. All of the information is below.

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Officer Name: Hector Diaz

Incident Location: Montesano, WA

Date/Time: 7/19/2019, texts starting at 6:40pm

Thank you for your time,
Jennifer Trujillo

Hello Chief Darrin Moody,

I am filing this complaint, on behalf of my sister. She is not aware that I am sending this and is afraid that if she came forward with it herself, that it would make the situation worse. I will be attaching images of text messages that my sister sent to my father. These text messages are between her and Officer Hector Diaz.

Officer Diaz has made verbal threats that he will plant drugs (called out meth in particular) in her car or home. Additionally, she is scared that he is intentionally trying to damage her reputation, as an established employee at her workplace. The harassment and threats have impacted her personal life, her kids and work life. He has no right to distribute confidential, personal information about her to anyone.

He has also made it clear that people who know him, like him, and since he is a police officer they will believe what he says. It is not right for him to act above the law. This is not acceptable behavior for any person, especially a person of the law. It is not appropriate for him to use his authority to corner her to make a decision he wants her to make. Chief Moody, I hope you hold your Officers to a higher standard than Officer Diaz and that you will address this matter promptly.

In the past, he often interacts with her at the hospital (her workplace). During her work hours it would be best to have his partner take his place or find a way to ensure they can avoid crossing paths. She should not feel uncomfortable at work; as you can imagine it is critical for her to work with a sense of mental clarity and urgency when at the hospital.

I hope you address this issue with Officer Diaz as soon as possible. I look forward to hearing what the corrective action will be. I hope this can be resolved quickly, without having to elevate it elsewhere.

Sincerely,

A black rectangular redaction box covering the signature of the sender.

1:24



Maybe: Diaz >

FUCK YOU

I need my necklace

I swear on Mya everyone in the EMS, Police and Fire will know we are having a baby

I swear on Mya's life

You better not kill my baby it's not his fault

He has a heart beat

Threaten me all you want. Necklace is in mailbox

9:12



Maybe: Diaz >

How am I shady??

It's my sons baseball game. I have two children. They are my priority, my life... I don't know what you want from me. You hurt my feelings but ok...

You're ignoring me now too? That's nice.

I'll do the same...

I'll call you later



FYI I swear on Mya that's the last time you will call me insecure in your lifetime

Or what?

You'll see. Don't test it

What are you going to do?



iMessage



Mike Fiola

From: Mike Fiola
Sent: Monday, July 22, 2019 12:56 PM
To: [REDACTED]
Cc: Darrin Moody
Subject: Citizen Complaint

Good afternoon [REDACTED]

This email is an acknowledgement of your complaint filed against Officer Hector Diaz on 7/22/2019. Your complaint case # is 19-08. The complaint has been forwarded to Chief Moody who will make the decision on if the case will be upgraded to an internal affairs investigation, based on the allegations in your email. As stated in our phone conversation, I will follow-up with you on Friday, 7/26/2019.

Cc file

Mike Fiola
Captain
Shelton Police Department
525 West Cota Street
Shelton, WA 98584
360-432-5143
FAX 360-432-0537

CONFIDENTIALITY NOTICE:

Information contained in this email and the documents accompanying it, may contain confidential information belonging to the Shelton Police Department, which is protected by disclosure laws. The information is intended only for the individual or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited.



IA 2019-03

Complainant: [REDACTED] & [REDACTED]
Subject Employee: Hector Diaz (Officer-SPD)
Investigator: Grays Harbor Sheriff's Office (Criminal)-Unfounded
Captain Mike Fiola, SPD (Administrative) *MF 8/19/19*
Detective Matt Gray, SPD (Administrative)

Potential Policy Violations: 340.4 General Standards
340.5.2 Ethics
340.5.8(i) Performance
340.5.9 Standards of Conduct

Findings: **Sustained- Ethics, Performance, Standards of Conduct**
Not-Sustained-
Un-Founded- General Standards
Exonerated-

Conclusion: Sustained violations of aforementioned policies on the standard of *preponderance of the evidence and clear and convincing evidence.*

Recommendation: After reviewing all of the Douglas Factors (Douglas v. VA, 5 MSPR 280, 5 MSPB 313 (1981)), it would be recommended that the subject officer's employment with the Shelton Police Department be terminated for violations of established policies and core values. These sustained offenses brought a high degree of negative repute to the officers of this organization and the Shelton Police Department as a whole.

Summary Synopsis

340.5.2 Ethics

SUSTAINED VIOLATION

340.5.2 ETHICS

Best Practice

- a. Using or disclosing one's status as a member of the Shelton Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity

On or around June 16, 2019, Officer Hector Diaz used his status as a Shelton Police Officer, and the status of two other Shelton Police Officers to gain influence or authority over his girlfriend [REDACTED], for non-departmental business or activity.

Specifically, he told [REDACTED] that he'd obtained a restraining order under her name, after asking her to give him her date of birth, to prevent contact between [REDACTED] and another female in McCleary, WA. [REDACTED] had accused Officer Diaz of having some sort of romantic relationship with this female. Officer Diaz explained to [REDACTED] that Officer Chris Pickens (SPD) had turned in the restraining order, and that Officer Paul Campbell had served it on the female. Diaz went onto tell [REDACTED] via text and in conversation that if she violated this restraining order she'd be arrested. The fear of arrest had great influence over [REDACTED] and she did not contact the other female, and she also changed her route to work to ensure she did not drive by the female's place of employment in McCleary, WA. Under Garrity, Officer Diaz admitted to making up this story/lie about a restraining order, and that he'd lied about the implication of both Officer Campbell and Pickens, and that they'd had nothing to do with the matter. In short, Officer Diaz wanted to keep the peace and didn't want [REDACTED] contacting the other female because she was "jealous".

[REDACTED] believed that this order was in fact real, and that the main reason for believing it was because of Officer Diaz's status as a Shelton Police Officer. Further, that she believed it to be a true order because Officer Diaz had implicated two other police officers from SPD in obtaining and serving it.

In addition to a violation of the ETHICS policy, this act violated SPD Core Values: *Honor* and *Integrity*.

SUSTAINED VIOLATION

340.5.9 CONDUCT

Best Practice

- a. Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy
- b. Unreasonable and unwarranted force to a person encountered or a person under arrest
- c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct
- d. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another
- e. Engaging in horseplay that reasonably could result in injury or property damage
- f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City
- g. Use of obscene, indecent, profane or derogatory language while on-duty or in uniform
- h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department
- i. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness
- j. Attempted or actual theft of department property, misappropriation or misuse of public funds, property, personnel or the services or property of others, unauthorized removal or possession of department property or the property of another person
- k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire
- l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action
- m. Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members

340.5.8 PERFORMANCE

Best Practice

- a. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation
- b. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document
- c. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business
- d. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members
- e. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members
- f. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 1. While on department premises
 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system
 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition
- g. Improper political activity including:
 1. Unauthorized attendance while on-duty at official legislative or political sessions
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police
- h. Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement, or the Chief of Police
- i. Any act on or off-duty that brings discredit to this department

CONDUCT (H) & (M) / PERFORMANCE (I): Violation(s)

In June, 2019, Officer Hector Diaz acted disgracefully, by implicating two Shelton Police Officers in a lie that he'd made up regarding obtaining a fictional restraining order. Officer [REDACTED] had been implicated as turning in the restraining order, and Officer [REDACTED] serving the order (See Ethics Violation Above).

In contacting both [REDACTED] and [REDACTED], both officers were shocked, and upset that they'd been used in this manner. The allegations reflected poorly on them, and now they were in a position where they had to defend themselves against perceived wrong doing by the complainant(s) in this matter. This type of behavior by Officer Diaz adversely affected the member's relationship

with this department. This type of behavior reflects unfavorably upon this department and its members.

Involving a police department in your personal business as in this matter deteriorates the trust a police department has with the community they are sworn to serve.

In addition to violations of the CONDUCT policy, this act violated SPD Core Values: Loyalty, Respect, Honor and Integrity.

CONDUCT (H) & (M) / PERFORMANCE (I): Violation(s)-Continued

During an argument between Officer Diaz and his then girlfriend, there was a thread of text messages that ██████ believed was a threat to her personal safety. The message/conversation occurred on or around Spring 2019. ██████ had told Diaz that he was insecure for how he was acting about her going to her child's baseball game with her ██████ father.

DIAZ: "FYI I swear on Mya that's the last time you will call me insecure in your lifetime".

JESSICA: "Or what?"

DIAZ: "You'll see. Don't test it".

JESSICA: "What are you going to do".

When asked ██████ stated that this message was followed up with a phone conversation, and that after speaking with Diaz she knew he was angry and she was in genuine fear that he'd harm her. In Diaz's Garrity statement, he said this was not his intention, that it was a reference to him breaking up with ██████ if she said that again. Diaz said this was the type of "lingo" they used, because he'd given her a necklace that says something similar to the "love of my life".

This wording could be perceived as some sort of threat, since it is referring to ██████ "lifetime" and some sort of consequence for repeated behavior. Per Diaz it was not meant this way, but per ██████ it was perceived as a threat of physical harm. This was investigated by the Grays Harbor County Sheriff's Office and no criminal conduct was found. That being said, the words used by Officer Diaz, while off-duty reflect poorly upon himself and the Shelton Police Department when viewed from outside looking in. This is evident since these words in the text message were used by ██████ as grounds to petition and obtain a temporary order for protection through the Grays Harbor County Superior Court, No. 19-2-626-14 (Issued 8/12/19).

Diaz affirmed that it was not his intent to make ██████ feel that way, but he knows now he should not have done that; meaning not have sent that type of text message. Diaz: "I should have never done that", "I should have known better", "It should have never got to that point". "I take

responsibility for my actions”.

This text message, though off-duty, was conduct that was unbecoming of a member of this police department, and reflects unfavorably upon this organization. This was also a violation of CORE value: *Honor*.

340.4 General Standards

UN-FOUNDED

340.4 GENERAL STANDARDS

Best Practice

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

The criminal allegations, pertaining to applicable WA State Laws was investigated by the Grays Harbor County Sheriff's Office, Case #19-014516. The findings for criminal conduct by GHSO were un-founded/case closed no prosecutorial referral.

Chronological Synopsis

7/22/2019

Received Formal Complaint from [REDACTED] against Officer Hector Diaz alleging potential criminal conduct and administrative policy violations pertaining to his ex-girlfriend and her sister [REDACTED]. Allegations pertained to domestic violence involving SPD law enforcement officer Hector Diaz.

7/23/2019

Officer Diaz is served notice of Internal Affairs Investigation, IA 19-03.

Officer Diaz is placed on administrative leave pending the criminal investigation into the allegations. Diaz is served with an administrative leave notice.

In accordance with policy 1052.5 (LE DV), alleged victim [REDACTED] is provided with required information pertaining to this policy (See Attached).

7/24/2019

Due to jurisdiction of alleged offenses, Grays Harbor Sheriff's Office is contacted and provided with a formal request for a criminal investigation into the allegations between Hector Diaz and [REDACTED].

[REDACTED] formally requests assistance in obtaining a protection order, in accordance with our aforementioned policy. Kelly with the Grays Harbor DV Center is contacted and provided with [REDACTED] contact information and a meeting is scheduled between them.

Detective Sgt. Wallace of the Grays Harbor Sheriff's office notifies SPD that he will be in charge of the criminal investigation; and is provided with the information given to SPD in the initial complaint.

7/31/2019

Email received from [REDACTED] co-worker, [REDACTED]. The email contained a complaint about Hector Diaz's behavior as a Shelton Police Officer and provides screen shots from text messages between Diaz and [REDACTED] indicating that he'd obtained a restraining order in [REDACTED] name, and used Shelton Police Officer [REDACTED] and [REDACTED] to assist him in serving this order. This information was forwarded to GHSO investigators. [REDACTED] and [REDACTED] are notified and both deny any knowledge of an

order, nor assisting Officer Diaz in obtaining or serving one. The alleged order was to keep [REDACTED] from contacting a Barista in McCleary, because she believed he was cheating on her.

8/7/2019

Report received from the Grays Harbor Sheriff's Office stating that they've closed their criminal investigation, and that they did not see any criminal activity on the part of Hector Diaz as it pertains to [REDACTED].

Administrative Investigation is opened. The GHSO file is reviewed in its entirety. [REDACTED] sends email with her statement regarding Hector Diaz. Two follow up questions are asked, that were not covered in the GHSO report. No further questions needed from [REDACTED] or [REDACTED] based on it already being covered by GHSO's report.

Compelled interview with Hector Diaz is scheduled for 8/16/2019, with his lawyer Sean Lemoine at the Shelton Police Department. Hector's lawyer has been provided access to the IA and Criminal Case file via drop-box.

8/16/2019

Officer Diaz is read his Garrity warnings and a compelled statement is provided regarding the allegations made by [REDACTED], [REDACTED], and [REDACTED].

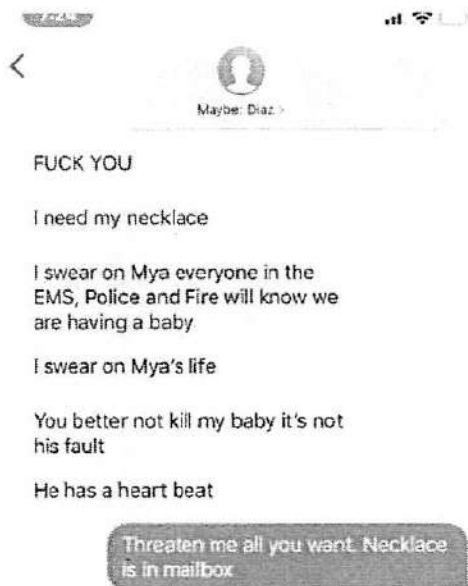
8/19/2019

IA Case File Closed / Report Submitted to Chief of Police.
Complainants advised of the findings.

Investigation

Notification: On 7/22/2019 at 0837 hours, Chief Moody and I received an email complaint from [REDACTED] regarding Officer Hector Diaz. The complaint was regarding [REDACTED] sister, [REDACTED], who had recently broken up with Hector Diaz.

[REDACTED] alleged that Officer Diaz had been verbally threatening [REDACTED], and harassing her. [REDACTED] email had a text message screen-shot that is was purported to be from Hector Diaz to [REDACTED]. There is no date or time on the screen-shot, but the message states:



The text message is regarding [REDACTED] wanting to get an abortion. [REDACTED] states that the message shows that Hector Diaz is going to ruin her good name in the community and professionally because she is not going through with the pregnancy. [REDACTED] alleges that Diaz is using his authority and role as a police officer into cornering [REDACTED] into changing her decision regarding the pregnancy. Specifically, that he'd tell everyone in EMS, Police and Fire, about the pregnancy, knowing [REDACTED] works with these people at the Emergency Room. The "swearing" part in the text message is regarding Hector's [REDACTED] "[REDACTED]".

[REDACTED] goes on in her complaint to state that Hector's harassment and threats have impacted [REDACTED] personal life, her professional life, and children. Further, she stated that Hector had warned [REDACTED] that no one would believe her complaint because he's a police officer and they will believe what he says.

[REDACTED] complaint requests that Hector Diaz be made to stay away from her sister, and that she fears for the safety of [REDACTED] and her children due to Hector's mental instability.

The second screen-shot provided deals with a subdued/perceived threat of potential harm to [REDACTED] from Hector Diaz after [REDACTED] has called Diaz "insecure" regarding their relationship. Again, the message does not have a date and time, and it is purported to be from Diaz to [REDACTED] (Exhibit 1):

DIAZ: "FYI I swear on [REDACTED] that's the last time you will call me insecure in your lifetime".

[REDACTED]: "Or what?"

DIAZ: "You'll see. Don't test it".

[REDACTED]: "What are you going to do".

[REDACTED] complaint is recorded and an internal investigation is opened. [REDACTED] stated that [REDACTED] was afraid to speak with anyone from the Shelton Police Department, because she'd said that Hector had told her he was friends' with the administration and that they wouldn't believe her.

ADMINISTRATION RESPONSE:

The allegations made to the Shelton Police Department, against Officer Diaz had allegations of possible domestic violence criminal conduct. SPD Policy 1052.5, regarding domestic violence involving law enforcement was enacted.

On 7/23/2019, Officer Hector Diaz is served a NOTICE of internal affairs investigation and criminal investigation into the allegations made by [REDACTED] pertaining to [REDACTED]. Officer Hector Diaz was also served a notice of administrative leave, and relieved of duty pending this investigation (Exhibit 2).

I contacted [REDACTED] and let her know the investigation had been opened. She was reluctant to speak with me, but after explaining that an outside agency would investigate she began to speak more freely with me. In accordance with SPD Policy 1052.5, regarding alleged domestic violence (threats) involving law enforcement employees we provided [REDACTED] with:

- Information on how to obtain a protective order and/or removal of weapons from home.
- Assistance with obtaining such orders in coordination with DV victim advocates.
- A copy of our DV involving LE policy
- Information about public and private DV advocacy resources to include WA State DV Hotline

- Information related to relevant confidentiality policies related to the victim's information and public disclosure.
- Coordination with victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

(See Exhibit 4).

In accordance with our policy, and jurisdiction of the alleged criminal conduct the Grays Harbor Sheriff's Office was contacted. I spoke with Under Sheriff Johansson, who advised that he'd assign an investigator to the case. The Grays Harbor Sheriff's Office was provided with a memo outlining the complaint, and the information provided to us. I advised the Sheriff's Office that we would not be conducting the administrative investigation until the criminal investigation was completed (Exhibit 3).

Emailed Complaint from [REDACTED] vs. Hector Diaz / New Allegations

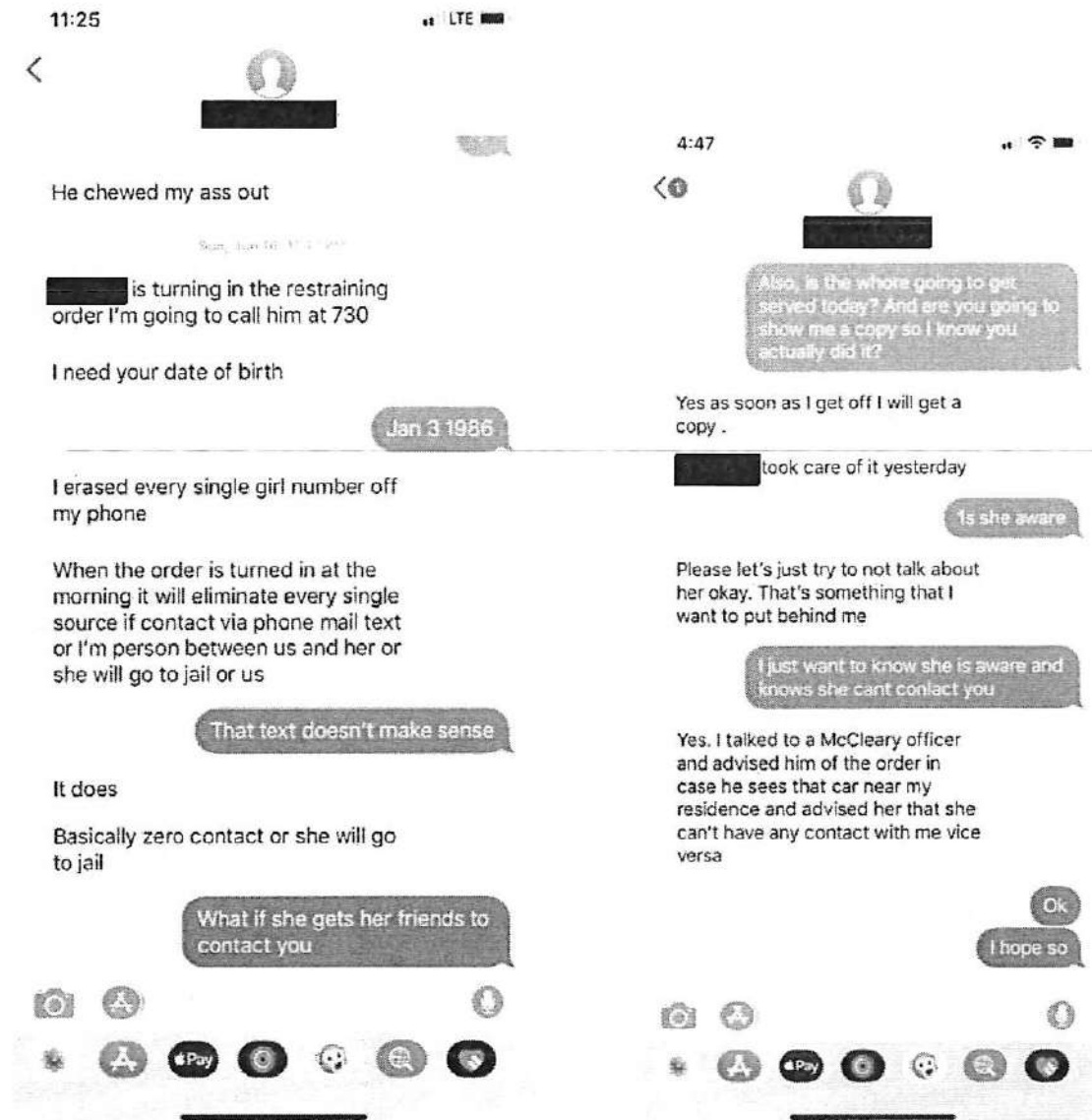
On 7/31/2019 at 0827 hours, I received an email complaint about Hector Diaz from [REDACTED]. [REDACTED] is a nurse at Mason General Hospital and works with [REDACTED]. Her email alleged emotional, mental, and physical abuse by Hector Diaz against [REDACTED]:

From: [REDACTED]
Sent: Wednesday, July 31, 2019 8:27 AM
To: Mike Fiola
Subject: LE
Attachments: IMG952720(1).jpg IMG952812.jpg, IMG952811.jpg, IMG952818.jpg

Mike,
I have worked side by side with you for years now. I have always tried to have a good working relationship with LE of my community. I value that and our local LE.
Recently I have been made aware of some very disturbing information (I will attach screenshots of text messages) between my coworker [REDACTED] and officer Diaz who were dating for a few month. The information told to me in past few weeks range from Emotional, mental and physical abuse. In the texts you can see where Diaz states he has obtained a restraining order on [REDACTED] behalf. He also implicates 2 other officers in your organization that are helping him. I have known [REDACTED] for a very long time also and can't imagine he would be involved. I wanted you to be aware of this. These are not the actions of any LE I would trust and can't imagine your agency would want that either.
Thank you for your time.
Please call me if you have any questions or concerns.

The screen-shots provided purport to be from Hector Diaz to [REDACTED]. In summary, Diaz tells [REDACTED] that he's obtained a restraining order against a barista in McCleary (alleged

Hector is also dating the barista). Diaz asks [REDACTED] for her date of birth, and states that Officer [REDACTED] (SPD) had gotten the order for him, and that Officer [REDACTED] (SPD) served the order on the barista. The messages make it seem that if [REDACTED] contacts the barista she and he would be arrested, and that if the barista contacted them she would be arrested. This is clearly not how restraining orders work, but the messages appear to try and make [REDACTED] fear that there is indeed an order, and that Diaz used his position and co-workers to obtain it.



The messages appear to be from 6/16/2019 at 11:47 PM or around that date and time. There are more text messages regarding this from [REDACTED] and they are attached (Exhibit 6).

The alleged text messages, and threat of arrest for an order that does not actually exist, in an attempt to keep [REDACTED] from contacting the barista could be potentially viewed as Coercion, thus this was all be forwarded to the Grays Harbor Sheriff's Office to add to their case on .

THREAT DEFINITION; Specifically Section (J):

- (28) "Threat" means to communicate, directly or indirectly the intent:
- (a) To cause bodily injury in the future to the person threatened or to any other person; or
 - (b) To cause physical damage to the property of a person other than the actor; or
 - (c) To subject the person threatened or any other person to physical confinement or restraint; or
 - (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
 - (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
 - (f) To reveal any information sought to be concealed by the person threatened; or
 - (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
 - (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
 - (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships;

RCW 9A.36.070

Coercion.

(1) A person is guilty of coercion if by use of a threat he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.

(2) "Threat" as used in this section means:

- (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
- (b) Threats as defined in *RCW 9A.04.110(27) (a), (b), or (c).

(3) Coercion is a gross misdemeanor.

Officer [REDACTED] and [REDACTED] were contacted to ensure they were not involved in the complaint filed by [REDACTED]. Both officers stated that in no way were they involved, and that if Officer Diaz did state that it was not true in anyway shape or form. They were notified they might be interviewed in the future regarding these allegations.

Criminal Investigation-Grays Harbor Sheriff's Office

The Grays Harbor Sheriff's Office looked into the allegations, and determined them to be unfounded pertaining to criminal conduct. See attached case file for their reports (Exhibit 5).

Administrative Investigation

After the conclusion of the criminal investigation I reviewed all of the documents that are included in the IA 19-03 file folder.

██████████ provided a written statement regarding this investigation (Exhibit 7):

8/8/19

Let me start by saying I know that people are trying to help me get through this right now, my sister ██████████, Captain Mike, and my friend/co-worker ██████████, but I still feel all alone. Hector Diaz has made me feel so horrible about myself as a person, has put me down and manipulated me to make me feel like I am nobody and everything I have ever done in my life is wrong. He has told me information about other officers in the Shelton police department and making accusations that the sheriff department have been spreading rumors about me, that are apparently not true (after checking with said officers). This has made me question who to trust in the police department.

I have been through a lot in my life prior to Hector Diaz, but I allowed him into my life and my kids' life because I thought I could trust him. I was under the impression that since he is a police officer, he would be an honest, trustworthy person. Of course, police should make you feel safe, right? Well it turns out he is the complete opposite. He has made me feel threatened, scared, crazy, and fearful. Fearful of him and fearful of the police in general. Hector Diaz has made me feel that him, himself along with other officers, are invincible and above the law and can get away with everything. That everything will "blow over," regardless of the situation. He has done nothing but lie, manipulate, and scare me the last 5 months.

Unfortunately, I had to learn the hard way about who he is. Due to fearing for the safety of myself, children and my unborn child I had to make the most awful decision I have ever made, one of which I am still emotionally and physically trying to deal with. I would have never done anything like this if I felt that the baby and I would be safe. I know for a fact that my life, along with the baby's, would be in danger and that I would not be able to keep the baby safe from him. I fear now because he thinks I "murdered" the baby that I am not safe. The threats he made to me sound petty to most, but I know exactly what he means by them and it scares me. I believe he will physically hurt me to prove a point and then try to make everyone believe it was an accident and that he is sorry. He doesn't care about my life, since according to him, I didn't care about the baby's life. Nobody will ever know how hard of a decision this was and know that I cared, this is not anything I would have done if I felt safe.

Hector Diaz abused his power in making me believe that there was a restraining order in place against a barista in McCleary. He said he included my name on the restraining order and it will prevent any contact. She will not be able to contact him, and he cannot contact her. Why he said my name was included, I don't know. I had mentioned to him that I wanted to talk to her to find out the truth about them two and that is when he said he had a restraining order. Hector Diaz said that an officer from the SPD turned in the restraining order and I truly believed there was one in place. The road the coffee stand is on is a road I used to take to work, until the restraining order was in place because I feared I would go to jail. I avoided buying coffee from that coffee stand, driving down that road the coffee stand was on, and avoided McCleary as much as possible. There are two different ways I can go through McCleary and the coffee stand road is the quickest way. I barely remembered what she looked like and I finally got him to tell me her name since I was supposedly included in this restraining order for no reason. I asked how he was able to get this restraining order so easily, and again his response is "I'm the police." He said he was going to put a statement in the restraining order that he told her to leave but she kept coming back, when I told him that wasn't true, he said "they won't know that." That is an ABUSE OF POWER. His response to everything is "I'm a cop, why would I lie?"

After finding out that the restraining order is not real and was a lie, I contacted the barista in McCleary. I let her know what was going on and unfortunately he is doing to her what he did to me, beginning to manipulate her. Hector Diaz and I started dating in the beginning of February, we stopped dating on July 19, 2019. The barista and Hector started dating in May of 2019. She knew about me through the dispatcher and confronted Hector about it. When she did this, she said he got "crazy" and then told her that him and I broke up in February. He also said that he didn't even know I was pregnant and how can I kill a baby without his knowledge of me being pregnant. That is a lie because he found out the day after I found out I was pregnant and came to my ultrasound appointment on July 16, 2019. I told the barista all of this and all the other lies but unfortunately, she doesn't know what to believe.

Hector Diaz has sent me multiple text and told me multiple times how he hates being a police officer and how he hates his department. He sent me texts telling me that he through his badge away and when I asked him "Don't you need your badge to work?" his response was "Fuck my badge!" Why would you want to keep an officer that hates his job that much but works closely with the public and is supposed to protect the public and the city of Shelton?

Hector Diaz is a dangerous person, he is manipulative, mentally unstable, and full of lies. He will say what he needs to in order to get out of a situation. Why would you want to keep an officer that has no integrity, morals, or ethics? Why would you want to keep a cop that is so dishonest to the department? I have read through the Shelton police code of conduct and he has violated most of them. It would be a disgrace to the department to keep someone like him. I read the article on the two officers that had an altercation with a homeless man, they didn't get charged with anything criminal but lost their job for breaking code of conduct. How would it be fair for Hector Diaz to keep his job, when he's violated most of the code of conduct for the Shelton Police Department, but they lost theirs? Hector Diaz can make all the promises he wants about changing his ways, going to counseling, and changing his attitude, but it's too late. His true colors have come out. The community should be able to feel safe and feel they can trust the police and their police department. Hector Diaz is going to say what he needs to say to keep his job, but that does not mean he will follow through.

Knowing that there is a chance that he may be back to work "protecting and serving" his community and the hospital is scary, I will NOT feel safe at work knowing he is there and I doubt the people in the City of Shelton will either.

Thank you,
[REDACTED]

After reading GHSO's case file and her statement I only had to follow-up questions for Jessica Anderson:

RE: Hector Diaz

Mike Fiola

Thu 8/8/2019 3:31 PM
'Jessica Anderson'

I've read your message. I only have 2 follow up questions, per our phone conversation.

- 1.) The text messages regarding the statement of this will be the last time you'll say he is insecure; how did that make you feel.
- 2.) Did Officer Diaz directly tell you that if you violated this "restraining order" that you'd be arrested?

Thank you, I'll add your answers to the file.

From: [redacted] [mailto:[redacted]]
Sent: Thursday, August 08, 2019 3:36 PM
To: Mike Fiola
Subject: Re: Hector Diaz

To answer your first question, yes I felt very threatened by that. I at first thought maybe he was kidding until our phone conversation and then I realized he was very serious. I felt that he would physically hurt me if I said it again so i never said it again to him. He was very angry about it.

To answer your second question yes he said that if I violated it then I would go to jail and if she violated it she will go to jail. So to me that means I'll be arrested. I've never been to jail or arrested but I'm assuming to go to jail you have to be arrested?

Does this answer your question? Sorry I didn't include my feelings about the insecure msgs. There is a lot to write and it was hard to write about all of this and re read it over and over again...

In the phone conversation I had with [redacted] on 8/8/2019, she stated that she had altered her course to work from Montesano to Shelton, so she wouldn't pass the other female's work place and get arrested for violation of the restraining order.

It should be noted that the text message pertaining to being insecure occurred in the spring time of 2019, and was not a recent message. It was her kid's baseball season when this text was sent by Officer Diaz. The restraining order messages were on or around June 2019.