



**REGULAR MEETING NOTICE/AGENDA
THE CIVIL SERVICE COMMISSION
9:30 A.M. – JANUARY 17, 2023**

NOTICE IS HEREBY GIVEN by the City of Spokane Civil Service Commission, that a regularly scheduled meeting of the Civil Service Commission will be held on January 17, 2023, commencing at 9:30 A.M. in the City Council Chambers – Lower Level of City Hall (808 W. Spokane Falls Blvd., Spokane WA, 99201). The purpose of the meeting is to conduct the monthly commission meeting and to discuss other matters as reflected on the attached agenda.

The meeting will be conducted in-person and open to the public with commission members, staff and presenters attending in-person. All meetings will be streamed live on Channel 5.

Oral public comment will be accepted at the meeting for agenda items to be decided by the Commission, excluding hearing items. Individuals who want to provide oral comment at this time but are unable to physically attend the meeting shall contact the Commission at civilservice@spokanecity.org to request by 5:00 P.M. the day before the meeting, (Monday, January 16, 2023) so the Commission can make arrangements for you to participate telephonically at the meeting.

DATED THIS 14th day of December 2022.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6237, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mpiccolo@spokanecity.org. Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.



AGENDA

REGULAR MEETING OF THE CIVIL SERVICE COMMISSION

9:30 A.M. JANUARY 17, 2023

CITY HALL – CITY COUNCIL CHAMBERS

LOWER LEVEL CITY HALL

808 W. SPOKANE FALLS BLVD., SPOKANE, WA 99201

- 1. CALL TO ORDER/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - a. November 15, 2022, Minutes
(Pg. 3)
- 3. CHIEF EXAMINER UPDATE**
- 4. NEW BUSINESS**
 - a. Resolution 2023-01: Classification Actions
(Pg. 4)
 - b. Appeal: C. Conrath, pass over for cause
(Pg. 12)
- 5. OTHER BUSINESS**
- 6. ADJOURN**

Note: The meeting is open to the public, with the possibility of the Commission adjourning into executive session.



**REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
MINUTES – NOVEMBER 15, 2022**

1. CALL TO ORDER/ROLL CALL

Meeting called to order at 9:30 a.m.
All Commissioners present

2. APPROVAL OF MINUTES

- a. October 18, 2022, Minutes
Motion: Move approval
Hult/Palmerton: Motion passed unanimously.

3. CHIEF EXAMINER UPDATE

Chief Examiner Pearson provided updates regarding Civil Service Department operations.

- a. Appeal originally scheduled for today has been continued until January 2023
- b. Rule Review suspended until January 2023
- c. Congratulations to Colin Martin and his wife on birth of their new baby
- d. Cancel December meeting and wish Happy Holidays to everyone

4. NEW BUSINESS

- a. Resolution 2022-05 Request to void an eligible list for Court Clerk I
Motion: I would make a motion to approve the voiding of the list as stated.
Hult/Stephens: Motion passed unanimously.
Commissioner Gilmore questioned process for remaining names left on list and interview process
- b. Cancellation of the December 20, 2022, Commission meeting
Motion: I move to cancel that meeting of December 20th
Palmerton/Stephens: Motion passed unanimously.
- c. Resolution 2022-06 Classification Actions
Deletion of SPN 680 Assistant Food/Beverage Supervisor
Reactivate and Retitle SPN 680 Golf Course Groundskeeper to Assistant Golf Course Superintendent
Motion: I move to accept the recommendations
Palmerton/Stephens: Motion passed unanimously.

5. OTHER BUSINESS

Commissioner Stephens congratulated Commissioner Hult on another appointment term

6. ADJOURN

Commission adjourned at 9:51 a.m.

I would move adjournment of this session of the Civil Service Commission
Hult/Palmerton



Civil Service Commission



RESOLUTION 2023-01: CLASSIFICATION ACTIONS

BACKGROUND

We present two new job classifications for adoption this month.

a) SPN 342 Resource Conservation Manager

This is a newly established body of work for City facilities, in the field of energy efficiency and conservation. The department and M&P Association concur with this job classification as written.

b) SPN 592 WTE Electrical and Instrumentation Supervisor

This is a new level of work in the Waste to Energy Plant Electrical and Instrumentation section performing a working supervisor role. The department and Local 270 concur with this job classification as written.

RECOMMENDATION

Staff recommends adoption of classification Resolution **2023-01**.

ATTACHMENTS

a) SPN 342 Resource Conservation Manager

b) SPN 592 WTE Electrical and Instrumentation Supervisor



Job Classification Specification

CITY OF SPOKANE CIVIL SERVICE COMMISSION

ESTABLISHED 1910

RESOURCE CONSERVATION MANAGER

SPN: 342

Bargaining Unit: M&P-B

Pay Range: <#>

Effective Date: <m/y>

CLASS SUMMARY

Performs a broad range of complex professional, analytical, technical, and consultant duties supporting resource conservation and use optimization for the City of Spokane. Designs, implements, supports, and manages programs and initiatives for increased energy efficiency, reduced natural resource consumption, alternative energy sources, solid waste stream reduction, and various other cost saving measures.

SUPERVISION RECEIVED AND EXERCISED

Works under general direction with a minimum of supervision. Independent judgment is required to achieve objectives while assuring compliance with related municipal, state, and federal regulations. Work is reviewed by results attained. This position is not supervisory but serves as a program/project leader and coordinator, providing direction and oversight to others as a subject matter expert.

EXAMPLES OF JOB FUNCTIONS

This description was prepared to indicate the kinds of activities and levels of work difficulty required of positions in this class. It is not intended as a complete list of specific duties and responsibilities.

- Develops and maintains an energy/utility consumption database, performs trend/use analysis, and develops plans to maximize efficiency. Maintains and updates the online Energy Star portal information on City facilities and energy data.
- Advises the Facilities Director, City departments, and various other program administrators on the City's utility costs, conservation practices, goals, achievements, and overall energy consumption. Monitors and reports resource use at each City facility. Acts as primary point of contact with the local utility company on energy conservation.
- Promotes environmental stewardship and accountability to create and sustain a strong conservation and recycling ethic among building occupants, organizational leaders, and City of Spokane stakeholders. Engages, interacts, and collaborates with City staff through multiple communication channels and programs to effect resource conservation and sustainability efforts.
- Conducts on-site resource surveys and assessments of City facilities, from major buildings to a wide array of small to medium facilities. Analyzes energy use patterns; identifies, prioritizes, and presents recommendations for practical and effective no-cost/low-cost energy and resource saving/generating measures.
- Collaborates with staff and management to develop resource efficiency and use reduction practices and implementation strategies. Informs and educates staff about behavior and performance expectations, provides timely and accurate feedback regarding performance, and ensures performance and behavioral problems are corrected promptly and effectively.
- Participates in the implementation of targeted building operation, maintenance, and equipment efficiency measures and upgrades. Documents past and projected cost savings for identified measures, and monitors performance.

Resource Conservation Manager

SPN 342

- Continuously updates and expands departmental and City knowledge and understanding of new and evolving theories, practices, and methodologies by obtaining relevant education and training.
- Provides ongoing education and training for co-workers, facility occupants, maintenance, custodial, and administrative staff in conservation measures to increase awareness of the impact of behaviors on resource use and costs.
- Administers, coordinates, and supports recognition or award programs that encourage actions toward energy saving goals and provides rewards when goals are achieved. Promotes RCM (Resource Conservation Management) Program success stories and shares energy savings ideas with staff.
- Provides consultation on energy standards (including LEED - Leadership in Energy and Environmental Design) for all building remodel projects and new construction to ensure maximum building energy efficiencies.
- Assists in the development of new, or updating of current, adopted City strategies, policies, and procedures related to a wide variety of energy conservation practices. Supports and advances strategic plans including and in support of the City of Spokane Comprehensive Plan Goals.
- Performs related work as required.

COMPETENCIES

Knowledge of:

- Principles and practices of energy efficiency, green building standards, hazardous and solid waste management, and recycling.
- Principles and practices of community engagement, social and environmental health, and related issues and standards.
- Federal, State, and Local government regulations, policies, and standards as it relates to energy efficiency, sustainability, and carbon emissions.
- Best practices and techniques applicable to resource conservation and sustainable design, construction, and operations standards, and implementation of best practices into capital planning and maintenance work/systems.
- Grant application procedures and reporting practices.
- Vendor and service agreements for the provision of public services.
- Resource/utility tracking programs and software.
- Materials, methods, tools, and techniques used in the performance of resource conservation and sustainability programs.
- Record keeping and reporting practices.
- Effective leadership and teamwork practices and techniques.

Skill in:

- Establishing and maintaining effective working relationships with employees, officials, and the public.
- Problem analysis and decision making.
- Time management, adaptability, and flexibility to handle multiple concurrent demands.
- Positive customer service orientation with both internal and external contacts.
- Research, documentation, and presentation of information.
- Technical record-keeping techniques and requirements.
- Computers and various software programs, including word processing, data management, spreadsheets, asset management, utility tracking, and other programs or applications relevant to resource management and conservation.
- Modeling professional decorum and mutual respect in all personal interactions.

Ability to:

- Exercise a high degree of independent judgment, and work independently with little direction.

Resource Conservation Manager

SPN 342

- Interpret policies, procedures, and regulatory and contractual requirements and constraints.
- Analyze complex problems and implement an effective course of action.
- Plan, organize, conceptualize, influence, and collaborate with others.
- Communicate effectively and persuasively, orally and in writing.
- Plan, implement, promote, and evaluate plans and programs.
- Conduct research and analyze trends.
- Evaluate complex data and make appropriate recommendations.
- Provide technical information and assistance to others.
- Build and maintain required data and records.
- Meet schedules and timelines despite frequent interruptions.
- Work safely and in compliance with federal and state laws and regulations, and with City laws, policies, and standards.

TYPICAL EQUIPMENT USED

Personal computer or handheld device and associated software applications, telephone, general office equipment, projector.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, vision to read printed materials and screens, and hearing and speech to communicate in person and over the telephone. Required to alternately stand or sit and move around facilities. Finger and hand dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Must frequently interact verbally with others while interpreting and enforcing departmental policies and procedures. May carry a laptop computer and/or other equipment weighing up to 20 lbs.

WORK ENVIRONMENT

Employee works varied hours to monitor City of Spokane facilities and interface with stakeholders. Locations include multiple settings from office and indoor areas with moderate to high noise levels and controlled temperature conditions to outside of buildings, exposed to weather, heat, and cold during facility assessments. Attendance and participation at weekend or evening meetings may be required.

MINIMUM QUALIFICATIONS

Open-Entry Requirements:

- Education: Bachelor's degree from an accredited college or university in business/energy management, environmental engineering/science, or a closely related field.
- Experience: Three years of work experience in the field of energy engineering or energy management.

Substitutions:

- Possession of one of the following certifications will substitute for the education and experience requirements: Certified Energy Manager (CEM), Leadership in Energy and Environmental Design (LEED), Sustainable Development Professional (CSDP), Business Energy Professional (BEP), or Green Building Engineer (GBE)

Licenses and Certifications:

- Must possess and maintain a valid driver's license or otherwise demonstrate ability to move between multiple work locations as required.



Job Classification Specification

CITY OF SPOKANE CIVIL SERVICE COMMISSION

ESTABLISHED 1910

WTE ELECTRICAL AND INSTRUMENTATION SUPERVISOR

SPN: 592

Bargaining Unit: Local 270

Pay Range: <#>

Effective Date: <m/y>

CLASS SUMMARY

Supervises and participates in the work of a team of skilled technicians in a Waste to Energy (WTE) plant. Work includes installation, repair, maintenance, and upgrade of electrical components and low/medium/high voltage switch gear electronic instrumentation and controls. Duties are varied and require analyzing facts to determine the proper procedures and protocols.

CLASS CHARACTERISTICS

As a working supervisor, incumbent performs direct supervision and coordination of a team of City and/or contracted electrical and instrumentation technicians, including hands-on participation in the work activities of those supervised, especially the most difficult and complex assignments and projects requiring advanced knowledge and leadership skills.

SUPERVISION RECEIVED AND EXERCISED

Reports to the Plant Manager and/or designee. Works under general direction, with responsibility for establishing objectives, timelines, and methods to complete individual and team assignments. Work is reviewed by results attained. Incumbent plans, assigns, directs, and reviews the work of subordinate staff. Assists in hiring processes and in formal evaluation of work performance. Makes effective recommendations for corrective actions and/or carries out disciplinary procedures.

EXAMPLES OF JOB FUNCTIONS

This description was prepared to indicate the kinds of activities and levels of work difficulty required of positions in this class. It is not intended as a complete list of specific duties and responsibilities.

- Prioritizes, plans, and oversees projects and staff workload; assesses and plans for future needs. Works with management in establishing and tracking unit goals and objectives.
- Provides leadership, supervision, and training to assigned staff. Plans and organizes routine assignments; delegates work to subordinate staff and coordinates activities with other personnel, contractors, and operators.
- Estimates time, materials, and equipment; coordinates with inventory and purchasing personnel to procure supplies, equipment, etc.
- Ensures adherence to established guidelines, rules, and regulations. Leads the team in the development of proper safety procedures for the unit and trains staff in methods and techniques.
- Oversees the use, care, and operation of process control instrumentation and related equipment; researches, recommends and implements new and revised procedures, systems, and equipment.
- Oversees and participates in the repair of electrical components and low/medium/high voltage switch gear electronic instrumentation and control systems, equipment, and components, both in the field and in the plant or facilities.

- Coordinates the modification of drawings to reflect the current posture of systems and components for a variety of industrial systems. Modifies, designs, and changes electrical components; installs temporary systems to sustain operations.
- Oversees and participates in installing and maintaining electrical components and low/medium/high voltage switch gear electronic instrumentation and control systems including electronics, programmable controllers, telemetry, telecommunications, meters, generators, transmitters, hydraulics, pneumatics, and a variety of other systems; inspects installed systems to ensure proper operation.
- Provides technical advice and support to operators and supervisors. Works closely with contractors or consultants and engineering teams. Participates in continuous improvement plans and implements new process and procedures. Coordinates with internal and external customers regarding assigned project requirements and timelines.
- Uses various computer software programs for data logging and control. Maintains records on operations and activities; coordinates and prepares a variety of reports.
- Performs related work as required.

COMPETENCIES

Knowledge of:

- Standard terms, practices, procedures, and methods related to instrumentation and controls.
- Methods, techniques, materials, equipment, and tools used in repair and maintenance work.
- Principles of pneumatic controls and devices, telemetry and electronic installation, maintenance, operation, testing, and repair.
- Preventive maintenance applicable to electronics and instrumentation systems; development and implementation of a preventative maintenance program.
- Operational characteristics of electronic instrumentation and related equipment and components.
- Instrumentation Symbols including American National Standards Institute (ANSI) and International Society of Automation (ISA)
- Principles and applications of electrical, electronic, and computerized instruments, controllers, VFD's, and data acquisition devices used in the Waste to Energy industry.
- Principles and practices related to analog and digital electronic theory, terminology, and application in control systems and devices.
- National Electrical Code (NEC) and other regulations pertaining to the work.
- Programmable Logic Controller (PLC) programming using Function Block, Structured Text, and Ladder Logic.
- Plant communications systems and equipment.
- Office procedures, methods, and equipment.
- Operation and maintenance of computer equipment, telemetry, and networks, including hardware, software, and SCADA systems.
- Mathematics used in the instrumentation and electrical trades.
- Proper methods of storing equipment, materials, and supplies.
- Proper recordkeeping techniques and requirements.
- Occupational health and safety regulations and necessary precautions applicable to maintenance and repair of industrial equipment.

- Effects of hazardous chemical conditions, and regulations and procedures for handling dangerous or hazardous chemicals and gases.
- Regulations and procedures for confined space work in plants and remote stations.
- Principles and practices of supervision and training.
- Principles and practices of project management.

Skill in:

- Oral and written communication.
- Building and maintaining effective working relationships with others.

Ability to:

- Work independently with minimal direction and supervision.
- Read and understand technical information.
- Learn and follow basic plant processes and understand impact of equipment malfunctions.
- Plan and execute the repair, maintenance, and installation of controls and equipment.
- Understand, interpret, explain, and apply relevant federal, state, and local policies, laws, and regulations.
- Interpret, explain, and enforce department policies and procedures.
- Analyze information and situations, project consequences of proposed actions, and formulate alternative solutions.
- Troubleshoot and diagnose problems.
- Program, install, troubleshoot, and maintain VFD and motor controls.
- Analyze and interpret diagnostic test results.
- Work under steady pressure with frequent interruptions and respond quickly to critical situations.
- Learn and apply new or updated information and skills.
- Properly use and care for tools and equipment.
- Operate office equipment including computers and supporting software applications.
- Maintain and prepare records and reports.
- Lead and schedule work of subordinate staff.
- Orient and train new employees.
- Supervise the work of others and provide feedback, coaching, and counseling.
- Assist management in the preparation of operations budgets and capital equipment plans.
- Estimate costs, time, and labor requirements.

TYPICAL EQUIPMENT USED

A variety of Hand and power tools and industrial equipment, including portable pumps, generators, digital meters, oscilloscopes, tracers, specialized electrical/instrument test equipment, safety harnesses, rope systems, ladders, bucket man lift, antenna, and coax analyzers, soldering iron, underground utility locator, various display, communication, and computer equipment. Some work requires hard hat, respirator, protective eye goggles, or other PPE.

PHYSICAL DEMANDS

Work requires normal visual range with or without correction, close vision sufficient to read screens and documents and to operate equipment, and color perception in order to understand display alerts, coded diagrams, etc.; hearing in the normal audio range with or without

correction for listening to various equipment; hearing and speech for exchanging verbal information with others; arm, hand, and finger dexterity for use of computers and other communication and office equipment, feeling machine surfaces and manually handling tools and materials; movement about work areas and sitting or standing in one location for extended periods and/or in confined spaces; moderate bending, stooping, kneeling, and climbing ladders; lifting and carrying objects weighing up to 50 lbs.; maneuvering heavy objects in awkward and confined spaces, using proper lifting and rigging techniques; operating motor vehicles and driving to various work sites as required.

WORK ENVIRONMENT

Work is performed in an industrial plant, in a controlled office environment, and in the field, with exposure to various temperatures and inclement weather conditions. Depending on assignment, hazardous conditions of work include exposure to machinery with moving parts, electrical energy, noise, dust, grease, toxic chemicals and materials, combined ash, fumes, gases, raw sewage, danger of falling, etc., requiring more than normal attention to avoid injury or public health hazards. May be required to respond to emergency callouts.

MINIMUM QUALIFICATIONS

Combinations of education and experience that are equivalent to the following minimum qualifications are acceptable.

Open-Entry Requirements:

- Education: Two years of college-level course work in electrical theory, electronics, control systems, or a closely related field.
- Experience: Six years of journey-level work experience performing installation, repair, maintenance, and upgrade of electrical components and low/medium/high voltage switch gear, electronic instrumentation, and controls, at least two of which were in a lead or supervisory capacity.

Promotional Requirements:

- Experience: Three years with the City in the classification of WTE Senior Electrical and Instrumentation Technician (SPN: 591) or Senior Instrumentation, Controls, and Electrical Technician (SPN: 647).

Licenses and Certifications:

- A valid driver’s license is required, to be maintained throughout employment.



Civil Service Commission

ITEM 4B- C. CONRATH APPEAL HEARING

BACKGROUND

Mr. Conrath, a Police Corporal for the City of Spokane Police Department was passed over for cause for the position of Police Sergeant under Civil Service Rule V, Section 4(a).

Under Civil Service Rule V, Section 4(a):

“No promotion certifications shall be rejected except for reasonable cause and no promotional eligible shall be passed over except for reasonable cause. Reasonable cause for passing over a promotional eligible may include the following:

1. An eligible’ s documented substandard work performance, or
2. An eligible’ s documented prior disciplinary problems, or
3. Documented errors in an eligible’ s judgement, or
4. Any other documented performance-related reasons, or
5. Mutual Pass over.

Mr. Conrath was notified by the Chief Examiner according to Civil Service Rule v, Section 4(c) on August 22, 2022, of the pass over for cause for a vacant Police Sergeant position. He replied timely that he wished to appeal the decision.

Mr. Conrath was notified November 4, 2022, that he had been passed over for a vacant Police Sergeant position and replied timely that he wished to appeal the additional pass over for cause.

Mr. Conrath is being represented by Mr. Joe Kuhlman with no briefings submitted and the City of Spokane is being represented by Mr. Mike Bolasina with briefing and exhibits attached.

Attachments:

- Email – pass over notification from SPD 08/22/22
- Letter of reprimand – Documentation for cause
- Appeal Rights from Civil Service 08/22/22
- Email – notification of appeal from C. Conrath
- Email – pass over notification from SPD 11/04/22
- Email – Chief Examiner to C. Conrath

- Appeal Rights from Civil Service 11/04/22
- Email - notification of appeal from C. Conrath
- City of Spokane rehearing brief
- City of Spokane exhibits

Puckett, Stephanie

From: Olsen, Eric
Sent: Monday, August 22, 2022 7:57 AM
To: Pearson, Kelsey
Cc: Meidl, Craig; Lundgren, Justin; Hammond, Jennifer
Subject: Chris Conrath Pass Over - Second Time

Importance: High

Ms. Pearson,

The Police Department intends to pass over Cpl. Chris Conrath #1106 for the promotion to sergeant for a second time due to recent adverse findings on a complaint of insubordination and prohibited use of email.

Thank you,
Eric

Major Eric Olsen | Patrol and Precincts | Spokane Police Department
Desk 509-835-4505 | Cell 509-951-7371 | eolsen@spokanepolice.org



SPOKANE POLICE DIVISION
CHIEF OF POLICE
CRAIG N. MEIDL

Internal Affairs Investigation
Case Finding Notice

To: Corporal Chris Conrath
From: Justin Lundgren, Assistant Chief of Police

Date: March 24th, 2022
I.A. #: C21-066

An internal investigation has been conducted concerning certain allegations of misconduct. These allegations stem from an incident that occurred on:

Date/Time: September 28th, 2021
Complainant: Major Olsen

Location: N/A
Case/Citation #: N/A

Complaint: Allegation 1: Policy 340.3.5(D) Disobedience or Insubordination
Allegation 2: Policy 212.3 Prohibited Use of Email

Investigator: Sgt. Uberuaga

Finding:

Allegation 1:
Sustained

Finding:

Allegation 2:
Sustained

Sanction: Letter of Reprimand

A handwritten signature in blue ink, appearing to read "J. Lundgren", written over a horizontal line.

Justin Lundgren
Assistant Chief of Police

This case file will be maintained in the Internal Affairs files and available for your review. You are encouraged to contact Internal Affairs to review the file. In the event of an "Improper Conduct" finding, a copy of any disciplinary report will become a part of your personnel file.





SPOKANE POLICE DEPARTMENT

CHIEF OF POLICE

CRAIG N. MEIDL

TO: Cpl. Chris Conrath
FROM: A/C J. Lundgren
RE: Complaint C21-066
Letter of Reprimand
DATE: March 24th, 2022

Allegation (1) Policy 340.3.5(D) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority

Allegation (2) Policy 212.3 Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated. Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all. Personal advertisements are not acceptable.

Summary of Incident

On September 28th, 2021, a claims adjuster who works on behalf of the City of Spokane contacted Captain Meidl regarding an issue related to city-owned vehicle collisions. The adjuster noted, "We have been battling these report errors now for almost a year. Frankly, this is getting exhausting and I don't know how these errors get passed (sic.) the reviewing/supervising officer that signs off on these reports. Any assistance you can provide in getting this corrected would be appreciated." By way of background, the City of Spokane is self-insured and also carries an insurance policy to protect against liability that exceeds the self-insurance limit. Officers are required to enter "self-insured" for any state collision form that involves a city vehicle.

That same day, Captain Meidl sent a one paragraph email to All Police Commissioned reminding commissioned staff of the proper way to document the self-insured status of the city when completing state collision forms. Captain Meidl noted, "I have been addressing these errors as they have come in, but our claims adjuster is understandably frustrated when the errors occur and supervisors aren't catching them either. Thank you." This email did not mention you or provide any information that would identify the incident you had approved.

Sgt. Yamada sent two related emails to all SPD Corporals.

Captain Meidl then forwarded the report that the claims adjuster to you and the Officer (with the chain of command cc'd) who had written the report with a two sentence message. "A reminder that any City of Spokane vehicle involved in a collision is "self-insured" and the insurance information is NOT placed on the State Collision Report. Please let me know if you have any questions." The involved officer replied to this email with a question and Captain Meidl answered that question. You were cc'd on those two messages.

You chose to reply to the All Police Commissioned message by Captain Meidl. Your email was the second email that this email group would receive related to this issue. Unlike Captain Meidl's email that



supplied valuable information, your email contained sarcastic remarks purporting to be an apology. Your email, sent to about 385 people, focused on how you were the sole Corporal working that night, how you had to work 15 hours, and that you had received six emails today to “remind (you) of (your) repeated failures to supervise.” You also state, “Rest assured, I am now sufficiently motivated to come in to work tonight and do a better job for you.”

Finding

In order to send an email to the entire department it must be for an official business related item that is of particular interest to all. Your email failed to reach this threshold. You were clearly frustrated by the situation.

Your response to Captain Meidl’s email was disrespectful. The fact that this unprovoked and unprofessional message directed at Captain Meidl also was sent to the entire department which demonstrated a lack of judgement and maturity. I find that both allegations are sustained.

I hope that you have learned from this unfortunate incident and utilize this as a growth opportunity.

Any similar incidents will be subject to progressive discipline, up to and including termination.



J. Lundgren

August 22, 2022

Christopher Conrath
14921 East Summerfield
Spokane Valley, WA. 99216

Dear Corporal Conrath,

We have received notification that you have been passed over for a vacant Police Sergeant position in the Police Department. The information we received indicates that the pass over is for cause.

Should you wish to appeal this pass over, Civil Service Rule V, Section 4(c) provides that you must do so in writing within five working days. Therefore, if you wish to appeal the pass over, you must file written notice with the Chief Examiner's office by 5:00 p.m. on Monday, August 29, 2022.

Should you have any questions regarding this matter, please feel free to call me.

Sincerely,



Kelsey Pearson
Chief Examiner

cc: Chief Meidl, Police Department
Major Olsen, Police Department
Mike Piccolo, Human Resources
David Dunkin, Police Guild
Christopher Conrath, Personnel File



Civil Service

Fair. Fast. *Friendly.* Forward.

Providing a diverse, high-performing workforce to serve the Spokane community for generations to come through open, competitive, streamlined, and customer-centric personnel services.

APPEAL HEARING PROCEDURE

1. Upon the filing of an appeal, the Civil Service Commission shall forward a copy of the appeal to the Human Resources Director if the appeal is filed by a union and to the appropriate union representative if the appeal is filed by the City. Each party shall file with the Commission, a notice of appearance indicating who the representative for the respective party will be for both the City and the appellant. For example, the City's official representative may be an assistant city attorney, a department head or a representative of the Human Resources Department. The official representative for the appellant may be a union official, the employee or a private attorney representing the appellant. The official representative for each party shall be responsible for all communication between the parties and with the Commission. If the Commission does not receive official notice of the parties' representative, the Commission will proceed with the assumption that the City's Director of Human Resources and the president of the respective union are the official representatives until the Commission receives notification of different representation.
2. The parties shall be responsible to coordinate with each other as to the production of records and witness lists necessary for the appeal hearing and with the timing of document production. If the parties are unable to agree to the production of documents, either party may request that the Commission issue a subpoena for the production of the records. The Commission shall determine the relevancy of the requested documents and issue subpoenas accordingly. Witness lists should be provided to the respective parties in order to provide adequate time for notification to the witnesses. If the witnesses are City employees, the Commission will request that the City, through the appropriate Department and supervisors, notify and request the employees to attend the commission hearing or to be available to attend in order to testify. If the witness is not a City employee or if there is concern that the witness will not attend the Commission hearing, the Commission may determine the relevancy of the witness and whether to issue a subpoena.
3. The parties shall submit written legal briefs which shall be filed with the Commission one week prior to the hearing date. Each party shall file an original plus seven copies of the legal brief with the Commission and one copy with the opposing side.

Puckett, Stephanie

From: Conrath, Christopher
Sent: Monday, August 22, 2022 4:32 PM
To: Pearson, Kelsey
Subject: Re: pass over for cause - Appeal rights
Attachments: image001.jpg; Conrath, C - Appeal Rights 08-22-22.pdf

Hello,

Please consider this my notification of intent to formally appeal this decision, as there is no “cause” for a pass over.

Thank you,
Chris Conrath

On Aug 22, 2022, at 16:14, Pearson, Kelsey <kpearson@spokanecity.org> wrote:

Good afternoon Corporal Conrath,

Please see the attached pass over for cause notification and appeal rights.

A certified letter is also being mailed to you. If I can be of assistance, please feel free to contact me.

Thank you,

Kelsey Pearson | Chief Examiner | Civil Service Commission
509.625.6166- office | 509.808.1788 cell | kpearson@spokanecity.org | spokanecity.org
[Job & Employment Information - City of Spokane, Washington \(spokanecity.org\)](http://spokanecity.org)

From: [Olsen, Eric](#)
To: [Pearson, Kelsey](#)
Cc: [Meidl, Craig](#); [Lundgren, Justin](#); [Hammond, Jennifer](#)
Subject: Chris Conrath Pass Over - Third Time
Date: Monday, September 12, 2022 12:17:45 PM
Importance: High

Ms. Pearson,

The Police Department intends to pass over Cpl. Chris Conrath #1106 for the promotion to sergeant for a third time due to recent adverse findings on a complaint of insubordination and prohibited use of email.

Thank you,
Eric

Major Eric Olsen | Patrol and Precincts | Spokane Police Department
Desk 509-835-4505 | Cell 509-951-7371 | eolsen@spokanepolice.org

November 4, 2022

Christopher Conrath
14921 East Summerfield
Spokane Valley, WA. 99216

Dear Corporal Conrath,

We have received notification that you have been passed over for a vacant Police Sergeant position in the Police Department. The information we received indicates that the pass over is for cause.

Should you wish to appeal this pass over, Civil Service Rule V, Section 4(c) provides that you must do so in writing within ten working days. Therefore, if you wish to appeal the pass over, you must file written notice with the Chief Examiner's office by 5:00 p.m. on November 18, 2022.

Should you have any questions or concerns, please do not hesitate to contact me.

Regards,



Kelsey Pearson
Chief Examiner

cc: Chief Meidl, Police Department
Major Olsen, Police Department
Mike Piccolo, Human Resources
Dave Dunkin, Police Guild
Christopher Conrath, employee file

Puckett, Stephanie

From: Conrath, Christopher
Sent: Friday, November 4, 2022 3:10 PM
To: Pearson, Kelsey
Subject: Re: Police Sergeant - pass over for cause

Yes I do. My understanding is that I cannot be passed for this promotion without cause. Since there is no cause I am left with no option but to appeal.

Thank you,
Chris

On Nov 4, 2022, at 14:52, Pearson, Kelsey <kpearson@spokanecity.org> wrote:

Good afternoon Corporal Conrath,

You have been passed over for cause for a third time for a vacant Police Sergeant position. Since you are already have a pending appeal to be heard before the Commission week after next, , I am wondering if you want to file another appeal for this new pass over instance. If yes, please let me know as soon as possible so that I can get official notification letters generated and the process started.

If you have any questions, please let me know.

Thank you,

Kelsey Pearson | Chief Examiner | Civil Service Commission
509.625.6166- office | 509.808.1788 cell | kpearson@spokanecity.org | spokanecity.org



[Job & Employment Information - City of Spokane, Washington \(spokanecity.org\)](http://spokanecity.org)

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CITY OF SPOKANE
CIVIL SERVICE COMMISSION

CHRISTOPHER CONRATH,

Appellant,

v.

CITY OF SPOKANE,

Respondent.

**CITY OF SPOKANE’S PREHEARING
BRIEF, WITNESS LIST, AND
EXHIBITS**

The City of Spokane (“City”) submits the following prehearing brief for the assistance of the Civil Service Commission.

I. ISSUE PRESENTED

Did Major Eric Olsen have cause to pass over Corporal Christopher Conrath (“Cpl. Conrath”) ¹ for promotion to sergeant?

II. SUMMARY OF CITY’S POSITION

On the morning of September 28, 2021, Captain Tracie Meidl sent an email to all commissioned police officers reminding them to identify the City as “self-insured” on the

¹ Chief Meidl recused himself from the decision because the discipline resulting in the decision to pass over Cpl. Conrath arose from Cpl. Conrath’s behavior toward Captain Tracie Meidl.

1 Washington State collision report form for collisions involving City vehicles. Prior to this email,
2 officers mistakenly identifying the City's excess insurance carrier was a recurring problem
3 resulting in frustration and misunderstanding. The City's claims adjuster recently brought the
4 issue to Capt. Meidl's attention because on September 27, 2021, Cpl. Conrath approved a report
5 from an officer who made this error. On the afternoon of September 28, 2021, Cpl. Conrath
6 replied to Capt. Meidl's email with an obviously sarcastic response that belittled Capt. Meidl for
7 concerning herself with issues of insurance coverage. Cpl. Conrath intentionally sent his reply to
8 all commissioned police officers, displaying his lack of respect for his commanding officer to
9 approximately 400 coworkers.
10

11 Given the wide circulation of Cpl. Conrath's disrespectful communication, command
12 staff immediately initiated an investigation and interviewed Cpl. Conrath regarding his motive.
13 At the investigative interview, Cpl. Conrath characterized his communication as a sincere,
14 heartfelt apology and denied any ill or mischievous intent. The matter was then referred to an
15 administrative review panel, which quickly and unanimously concluded that Cpl. Conrath's
16 "apology" was sarcastic and insolent and not sincere. Assistance Chief Justin Lundgren
17 sustained policy violations for both insubordination and misuse of email, and imposed a written
18 reprimand as a disciplinary sanction.
19

20 Major Eric Olsen, in consultation with other members of Chief Meidl's executive team,
21 decided to pass over Cpl. Conrath for the position of sergeant. Major Olsen's decision was based
22 primarily on the recent discipline showing he did not possess the maturity, discretion, and
23 judgment that the Spokane Police Department is looking for when filling supervisor roles. Major
24 Olsen was also influenced by Cpl. Conrath's history of poor decisions, such as when he was
25 disciplined and passed over for promotion for initiating romantic relationships with vulnerable
26

1 women he met when responding to domestic violence calls. Although the recent discipline for
2 his insolent response to Cpt. Meidl is distinct from the grounds for prior disciplinary actions, in
3 past and present matters Cpl. Conrath demonstrated that he does not possess the reliably good
4 judgment necessary to serve in the leadership position of sergeant. The City asks the Civil
5 Service Commission to affirm the pass over and deny Cpl. Conrath's appeal.

7 III. WITNESSES

8 The following witnesses will be called to testify by the City:

9 1. Assistant Chief Justin Lundgren

10 Asst. Chief Lundgren will testify about his involvement in the investigation and
11 discipline of Cpl. Conrath that resulted in his being passed over for the position of sergeant.

12 2. Major Eric Olsen

13 Major Olsen will testify about his involvement in the investigation and discipline of Cpl.
14 Conrath that resulted in his decision to pass over Cpl. Conrath for the position of sergeant.

15 3. Captain Tracie Meidl

16 Captain Meidl will testify about her email communications that resulted in the
17 investigation and discipline of Cpl. Conrath.

19 IV. EXHIBITS

20 <u>Exhibit</u>	21 <u>Description</u>
22 1	23 Email from Jim Scott to Capt. Meidl dated 9/28/21, attaching sector 24 collision (9/27/21)
25 2	26 Emails to/from Jim Scott and Capt. Meidl dated 9/28/21 regarding incorrect designation of City's primary insurance carrier
3	Misc. emails regarding insurance coverage issue dated 9/28/21

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- 4 Emails from Capt. Meidl and Cpl. Conrath dated 9/28/21
- 5 Notice to Cpl. Conrath of internal affairs investigation (9/28/21)
- 6 Notice of rights/responsibilities to Cpl. Conrath (9/28/21)
- 7 Transcript of investigative interview of Cpl. Conrath (9/28/21)
- 8 Internet article titled “The 6 elements of an effective apology, according to science”
- 9 Internet article regarding insolence and insubordination
- 10 Internal affairs investigative summary report (9/28/21)
- 11 Administrative review panel report (12/9/21)
- 12 Internal affairs case finding notice (3/24/22)
- 13 Letter of reprimand (3/24/22)
- 14 SPD internal complaint report
- 15 SPD Policy 340.3.5(D)
- 16 SPD Policy 212.3
- 17 Email from Major Olsen regarding pass over for sergeant position (4/25/22)
- 18 Email from Major Olsen regarding pass over for sergeant position (8/22/22)
- 19 Email from Cpl. Conrath regarding appeal of pass over decision (8/22/22)
- 20 Email from K. Pearson regarding pass over for sergeant position with attached letter explaining appeal rights (11/4/22)

1 All,

2 Once again, I am sending out a reminder.

3 Any City of Spokane vehicle involved in a collision should not “Self-Insured” and NOT
4 include the actual insurance company on the WA State Collision Report form. In
5 addition, to minimize confusion, you can discard the insurance card in your City-owned
6 vehicle (per Risk Management).

7 I have been addressing these errors as they have come in, but our claims adjuster is
8 understandably frustrated when the errors occur and supervisors aren’t catching them
9 upon their review either.

10 City Exh. 4. At 2:14 p.m. that afternoon, Cpl. Conrath forwarded Capt. Meidl’s email to all
11 commissioned officers with the subject “I’m sorry” and the following message:

12 I’m afraid I owe all of you an apology. It was I who failed to recognize that “Self-
13 Insured” was not noted a collisions report involving a vehicle owned by the sewer
14 department. I can only imagine the difficulty this error has caused some of you, to
15 include risk management personnel. Fortunately, though, I received six emails today² to
16 remind me of my repeated failures to supervise. Rest assured, I am now sufficiently
17 motivated to come in to work tonight and do a better job for you.

18 Sometimes, amidst a fifteen hour shift, and while working as the only Corporal between
19 four patrol teams to include powershift and graveyard, there lies the possibility that a
20 clerical error may occur. I take full responsibility for this mistake, and again, I am very
21 sorry.

22 City Exh. 4.

23 Capt. Meidl received Cpl. Conrath’s email and immediately recognized it as a
24 disrespectful and insolent communication directed at her. Although Capt. Meidl did not reveal
25 who made the most recent error, Cpl. Conrath was openly critical of her holding him accountable
26 for the error when he had so many other burdens to bear. To Capt. Meidl and many of the 400+

² Cpl. Conrath is referring to being copied on several emails between Capt. Meidl, Off. Yen, and Sgt. Yamada on the insurance issue. City Exh. 3.

1 employees and volunteers who received the email, Cpl. Conrath called Capt. Meidl a petty,
2 trivial-obsessed, and ungrateful micromanager who was damaging his morale.

3 Assistant Chief Lundgren and Major Olsen received Cpl. Conrath's email and were
4 stunned at Cpl. Conrath's insolence. Given the widespread dissemination of Cpl. Conrath's
5 email, they called for an immediate response by the department's internal affairs unit. Later that
6 afternoon, Sgt. Jason Uberagua was assigned to conduct an internal investigation into the
7 following policy violations:
8

9 Policy 340.3.5(D): Disobedience or insubordination to constituted authorities
10 including refusal or deliberate failure to carry out or follow any
11 proper lawful order from any supervisor or person in a position of
12 authority. (City Exh. 14 at p. 190).

13 Policy 212.3: Sending derogatory, defamatory, obscene, disrespectful. Sexually
14 suggestive, harassing, or any other inappropriate messages on the
15 email system is prohibited and will not be tolerated. (City Exh. 15
16 at p. 36).

17 City Exh. 5. Sgt. Uberagua and Lt. Matt Cowles interviewed Cpl. Conrath with his union
18 representatives, Off. Kris Honaker and Det. Dave Dunkin, present. City Exhs. 6, 7. The purpose
19 of the interview was to hear Cpl. Conrath's explanation of why he responded to Capt. Meidl's
20 email as he did, and why he sent it to the entire department. Cpl. Conrath's explanation was that
21 he was truly sorry for the error he made in approving Off. Yen's report, and his email was
22 intended to be a heartfelt apology to the entire department. City Exh. 7.

23 Sgt. Uberagua: What was your purpose in writing the email?

24 Cpl. Conrath: To address the issue that occurred. To take responsibility for it and
25 to genuinely apologize to my coworkers for receiving yet another
26 all police email for a matter that really involved just me and
perhaps this other patrol officer. It was my mistake.

1 Sgt. Uberagua: So the purpose of this email was not to apologize to Captain Meidl
2 for your mistake, it was to apologize to the entire commissioned
3 police force?

4 Cpl. Conrath: Which I believe Tracie is a part of.

5 Sgt. Uberagua; Rights

6 Cpl. Conrath: But yes, all. . . . all commissioned police officers. I...I wanted
7 to apologize to my coworkers for falling short and causing another
8 email for them to have to read, when it was in fact my mistake.

8 City Exh. 7, at p. 4.

9 When asked why he did not apologize to only Capt. Meidl, Cpl. Conrath responded:

10 To be perfectly honest, I didn't put a significant amount of thought into it. I . . . I hit the
11 reply button and I typed my reply. I...I didn't consider the ramifications of sending it to
12 everybody versus just Capt. Meidl. * * * * I worked a very long shift out in the rain and
13 I ... and I messed up on a collision report and so I'm saying I'm sorry. I'm sorry to you
14 guys that you have to get an email about something that I ... that I messed up on. That
15 was my intent on sending what I sent. I didn't think that it would be construed as
16 offensive to whomever has the issue here.

15 City Exh. 7, at pp. 4-5. After hearing Cpl. Conrath's testimony that his email to all
16 commissioned officers was a sincere apology, Lt. Matt Cowles researched the essence of a true
17 apology, and located an article titled "The 6 elements of an effective apology, according to
18 science." City Exh. 8. Lt Cowles concluded that Cpl. Conrath's apology was neither sincere nor
19 effective. Sgt. Uberagua prepared an investigative summary that set forth what he learned on
20 Cpl. Conrath's motive for sending the email to the entire department. City Exh. 10. The matter
21 was then referred to a five-member administrative review panel ("ARP") for its consideration.

22 On December 9, 2021, the ARP convened to discuss the matter after reviewing the
23 investigative file. Lt. Rich Meyer was assigned to author the ARP's report. City Exh. 11. The
24 ARP considered whether Cpl. Conrath violated two policies: (a) insubordination and (b) misuse
25 of email. The ARP had no trouble concluding that Cpl. Conrath sent an insolent and
26

1 disrespectful email to all commissioned officers in response to Cpt. Meidl's reminder. The ARP
2 rejected Cpl. Conrath's explanation that his email was intended as sincere apology. The ARP
3 concluded:

4 It is apparent and consistent amongst the members of this ARP that Corporal Conrath did
5 intend to be sarcastic in his e-mail and that he failed to take any ownership of this
6 incident. It could be further examined through the lens of reasonableness, that if another
7 officer with the same time, training and authority act or perceive of the actions, that
8 Corporal Conrath['s] e-mail was, and [was] intended to be, sarcastic. Corporal Conrath's
9 denials, evasiveness and blame shifting is disappointing and concerning.

10 City Exh. 11, at p. 4. The ARP recommended a finding of sustained for Policy 212.3. City Exh.
11 11, at p. 4.

12 On the issue of insubordination, the ARP recommended a finding of "exonerated" on the
13 basis that Cpl. Conrath's email was insolent and disrespectful but was not, in their view,
14 evidence of "the intentional refusal to obey and employer's lawful and reasonable order." City
15 Exh. 11, at pp. 3-4. To support the ARP's recommendation, Lt. Meyer found an online article
16 that discussed the interplay between insubordination and insolence, and included reference to a
17 Canadian court case. City Exh. 9.

18 Assistant Chief Lundgren ("AC Lundgren") considered the ARP's recommendations.
19 After reviewing the ARP report and the investigative file, AC Lundgren accepted the ARP's
20 recommendation on Policy 212.3 (improper use of email) and sustained the violation. City Exh.
21 12. On the issue of insubordination, AC Lundgren rejected the ARP's recommendation and
22 sustained the violation. City Exh. 12. AC Lundgren concluded that the ARP construed Policy
23 340.3.5(D) (insubordination) too narrowly in requiring refusal to carry out a lawful order.
24 Instead, AC Lundgren found the language of Policy 340.3.5(D), set forth below, to be broader in
25 its application.
26

1 Policy 340.3.5(D): Disobedience or insubordination to constituted authorities
2 including refusal or deliberate failure to carry out or follow any proper lawful order from
3 any supervisor or person in a position of authority. (City Exh. 15 at p. 190).

4 Here, Cpl. Conrath’s email was deemed by ARP and AC Lundgren to be disrespectful and
5 insolent toward Capt. Meidl. If Cpl. Conrath had sent his email only to Capt. Meidl, then he
6 would have only violated Policy 212.3. In this case, Cpl. Conrath sent his disrespectful and
7 insolent email to all commissioned police officers. AC Lundgren concluded that disrespect and
8 insolence, when it occurs in the presence of other commissioned officers, undermines respect for
9 authority and constitutes a form of insubordination. Although AC Lundgren did not consider the
10 on-line article cited by Lt. Meyer to be authoritative, particularly in its citation to Canadian law,³
11 it adopts AC Lundgren’s views on the matter. The article cites, as grounds for greater
12 disciplinary action, when “[t]he incident destabilizes the supervisor’s credibility in the workplace
13 and, thus, his or her ability to properly supervise.” City Exh. 9, at p. 4. The article also states
14 that
15

16 Insolence can amount to insubordination where the insolent behavior, exclusive of any
17 refusal to comply with orders, involves resisting and/or defying an employer’s authority.

18 City Exh. 9, at p. 4. Here, AC Lundgren found that Cpl. Conrath sent a demeaning and
19 disrespectful email to the entire police department that undermined Capt. Meidl’s credibility and
20 authority. He did so under the guise of an apology, though anyone who reads the email would
21 conclude that he believed he had nothing to be sorry for, and was ridiculing Capt. Meidl for her
22 focus on ensuring that proper protocols were followed when collision reports were completed.
23 Under these circumstances, AC Lundgren found that an insolent act was also insubordinate. On
24

25
26 ³ One would think, given our common roots, that Canadian and American law, would be the
same or very similar. They are not.

1 March 24, 2022, AC Lundgren issued Cpl. Conrath a letter of reprimand for the two policy
2 violations. City Exh. 13. Neither Cpl. Conrath nor his union grieved or appealed the discipline.

3 In April 2022, Cpl. Conrath was next in line for promotion to sergeant. Major Olsen
4 decided to pass over Cpl. Conrath for the available opening. On April 25, 2022, Major Olsen
5 sent an email to Kelsey Pearson, stating:
6

7 The Police Department intends to pass over Cpl. Chris Conrath #1106 for the promotion
8 to sergeant due to recent adverse findings on a complaint of insubordination and
9 prohibited use of email.

10 City Exh. 17. Cpl. Conrath did not appeal this pass over to the Civil Service Commission. In
11 August 2022, Cpl. Conrath was again next in line for promotion to sergeant. On August 22,
12 2022, Major Olsen again sent an email to Kelsey Pearson, stating:

13 The Police Department intends to pass over Cpl. Chris Conrath #1106 for the promotion
14 to sergeant for a second time due to recent adverse findings on a complaint of
15 insubordination and prohibited use of email.

16 City Exh. 18. On August 22, 2022, Cpl. Conrath appealed the second pass over with an email to
17 Kelsey Pearson stating:

18 Please consider this my notification of intent to formally appeal this decision, as there is
19 no "cause" for a pass over.

20 City Exh. 19. On November 4, 2022, Mayor Olsen sed a third email to Ms. Pearson passing over
21 Cpl. Conrath for the same reasons. City Exhs. 20.

22 The Civil Service Commission rules address the grounds for passing over a candidate
23 who is next on the sergeant's list. The rules provide, in relevant part:

24 **Section 4: ACTION BY APPOINTING AUTHORITY**

- 25 a) Upon receipt of a certification, the appointing officer shall interview and consider
26 each eligible in the order of certification. The appointing officer may within twenty
(20) working days select one of the eligible and so notify the Commission on the firm
provided. If for cause the name/s of all those on an open entry certification are

1 rejected or passed over, the appointing officer shall so notify the Chief Examiner in
2 writing. The Chief Examiner shall consider reasons presented and may authorize
3 certification of additional open entry names. If a promotional certification is rejected
4 the appointing officer shall include the reasons on the certification form which will be
5 promptly forwarded to the Commission.

6 Civil service employee files shall be used to review employee performance. Under
7 no circumstances shall a letter of suspension older than (3) years or a letter of
8 reprimand older than two (2) years be considered as a basis for a Promotional Pass
9 Over. Counseling forms shall never be considered.

10 No promotion certification shall be rejected except for reasonable cause and no
11 promotional eligible shall be passed over except for reasonable cause. Reasonable
12 cause for passing over a promotional eligible may include the following:

- 13 1) An eligible' s documented substandard work performance, or
- 14 2) An eligible' s documented prior disciplinary history, or
- 15 3) Documented errors in an eligible' s judgment, or
- 16 4) Any other documented performance-related reasons, or
- 17 5) Mutual Passover.

18 City Exh. 22, at p. 24-25

19 As the Commissioners may recall, this is not Cpl. Conrath's first appeal from a pass over
20 for the position of sergeant. On August 17, 2021, the Commission denied an appeal by Cpl.
21 Conrath after he was passed over for two situations where he engaged in sexual relations with
22 women he met while responding to their domestic violence calls for service.⁴ City Exh. 21.

23 While the more recent disciplinary matter is distinct in character, the similarity they share is that
24 they reveal that Cpl. Conrath lacks the good judgment necessary for the promotion to sergeant.

25 One of the components of good judgment is the ability to stop and reflect before engaging in a
26 destructive course of action. Here, it is obvious that Cpl. Conrath was annoyed about receiving
27 emails regarding a mistake he made on the prior night's shift. Cpl. Conrath concluded that the

⁴ Though there is some indication that Cpl. Conrath has not put that type of behavior entirely behind him, the most recent complaint was handled informally and was not one of the reasons why Major Olsen passed over Cpl. Conrath. City Exh. 21.

1 concerns Capt. Meidl expressed in her reminder email regarding identification of the insurance
2 carrier were petty in comparison to the thankless but heroic job he did for the department.

3 If Cpl. Conrath possessed good judgment, he would have expressed his frustrations
4 privately and either not responded at all or replied to one of the other emails, like Off. Yen did,
5 expressing sincere regret for his mistake and a willingness to be more careful in the future.
6 Instead, what Cpl. Conrath did was lash out at Capt. Meidl for daring to raise the issue in an
7 email to all commissioned officers portraying her as both petty in her concerns, ungrateful for the
8 hardships he endures, and a drag on his and department morale. When Cpl. Conrath was
9 confronted about his behavior during the investigation, he did not own up to his conduct, but
10 instead expressed disbelief as to how his email could be perceived as anything but the sincere,
11 heartfelt apology he intended it to be.
12
13

14 In its candidates for the sergeant position, the City is looking for leaders and role models
15 who exemplify deliberate and reasoned decision making. Cpl. Conrath's email demonstrated his
16 propensities to be rash, emotional, insolent, and disrespectful toward authority, both in sending
17 his email and his response during the investigation. Cpl. Conrath chose the immediate
18 gratification that comes from thumbing one's nose at authority, in view of the whole police
19 department, over a response that a professional, mature, and discrete officer would draft when an
20 error was detected. The conduct of Cpl. Conrath is the opposite of the qualities that the City is
21 looking for when deciding who to promote to sergeant.
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23 VI. CONCLUSION

24 For the foregoing reasons, the City will ask the Civil Service Commission to decide
25 Major Olsen had cause for passing over Cpl. Conrath for the position of sergeant.
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DATED this 10th day of January, 2023.

Respectfully Submitted,

SUMMIT LAW GROUP PLLC
Attorneys for Defendant

By 

Michael C. Bolasina, WSBA #19324
mikeb@summitlaw.com

November 4, 2022

Christopher Conrath
14921 East Summerfield
Spokane Valley, WA. 99216

Dear Corporal Conrath,

We have received notification that you have been passed over for a vacant Police Sergeant position in the Police Department. The information we received indicates that the pass over is for cause.

Should you wish to appeal this pass over, Civil Service Rule V, Section 4(c) provides that you must do so in writing within ten working days. Therefore, if you wish to appeal the pass over, you must file written notice with the Chief Examiner's office by 5:00 p.m. on November 18, 2022.

Should you have any questions or concerns, please do not hesitate to contact me.

Regards,



Kelsey Pearson
Chief Examiner

cc: Chief Meidl, Police Department
Major Olsen, Police Department
Mike Piccolo, Human Resources
Dave Dunkin, Police Guild
Christopher Conrath, employee file

**CITY OF SPOKANE
CIVIL SERVICE COMMISSION**

**CHRISTOPHER CONRATH APPEAL HEARING
JANUARY 17, 2023**

CITY OF SPOKANE HEARING EXHIBITS

<u>Exhibit</u>	<u>Description</u>
1	Email from Jim Scott to Capt. Meidl dated 9/28/21, attaching sector collision (9/27/21)
2	Emails to/from Jim Scott and Capt. Meidl dated 9/28/21 regarding incorrect designation of City's primary insurance carrier
3	Misc. emails regarding insurance coverage issue dated 9/28/21
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6	Notice of rights/responsibilities to Cpl. Conrath (9/28/21)
7	Transcript of investigative interview of Cpl. Conrath (9/28/21)
8	Internet article titled "The 6 elements of an effective apology, according to science"
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11	Administrative review panel report (12/9/21)
12	Internal affairs case finding notice (3/24/22)
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14	SPD internal complaint report
15	SPD Policy 340.3.5(D)

- 16 SPD Policy 212.3
- 17 Email from Major Olsen regarding pass over for sergeant position
(4/25/22)
- 18 Email from Major Olsen regarding pass over for sergeant position
(8/22/22)
- 19 Email from Cpl. Conrath regarding appeal of pass over decision (8/22/22)
- 20 Email from K. Pearson regarding pass over for sergeant position with
attached letter explaining appeal rights (11/4/22)
- 21 Decision of Civil Service Commission affirming pass over of Cpl. Conrath
(8/17/21)
- 22 Excerpt of Civil Service Commission rules regarding pass over decisions
- 23 Emails from Scott Peters and Capt. Matt Cowles regarding complaint

EXHIBIT 1

From: Scott, Jim <James.Scott@davies-group.com>
Sent: Tuesday, September 28, 2021 8:16 AM
To: Meidl, Tracie <tmeidl@spokanepolice.org>
Subject: POLICE REPORT - WRONG CITY INSURANCE LISTED

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Capt, Meidl,

Please see attached police report with wrong City insurance listed.

We have been battling these report errors now for almost a year. Frankly, this is getting exhausting and I don't know how these errors get passed the reviewing/supervising officer that signs off on these reports.

Any assistance you can provide in getting this corrected would be appreciated.

Thank you.

James Scott
Sr. Claim Adjuster



808 W. Spokane Falls Blvd., Spokane, WA 99201
P. +1 509-625-6826
M.
E. James.Scott@davies-group.com
www.davies-group.com/claims/na/

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Information provided to us following notification of a claim may be passed to third parties for the purpose of detection and prevention of fraud. This includes, but is not limited



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

REPORT NO. EB72140

1 1 7 27
2
3
1 1 7 28
2
3

INTERSTATE <input type="checkbox"/>	CITY STREET <input checked="" type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN INVOLVED <input type="checkbox"/>

CASE #	2120166855
LOCAL AGENCY CODING	
TOTAL # OF UNITS	02
OBJECT STRUCK	

TRIBAL RESERVATION										
DATE OF COLLISION	MM DD - YY YY YY	TIME (2400)	COUNTY #	MILES	N	E	IN	W	OF	CITY #
	09 - 27 - 2021	1046	32				<input checked="" type="checkbox"/>			1220

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON INTERSECTION

S. ASH ST. BLOCK NO. MILE POST

DISTANCE 30 00 MILES N E S W OF (REFERENCE OR CROSS STREET) W. 10TH AVE.

UNIT 01	MOTOR VEHICLE <input checked="" type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	PHONE D: 5096257900
---------	---	--------------------------------------	--	---------------------

LAST NAME	EGGERS	FIRST NAME	MICHAEL	MIDDLE INITIAL	A
-----------	--------	------------	---------	----------------	---

STREET <input checked="" type="checkbox"/>	909 E. SPRAUGE AVE.	CITY	SPOKANE	ST	WA	ZIP	99202
--	---------------------	------	---------	----	----	-----	-------

CDL	A	IGNITION INTERLOCK REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	IGNITION INTERLOCK PRESENT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEDICAL TRANSPORTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
-----	---	---	--	---

DRIVER'S LICENSE #	WDL2869J133B	STATE	WA	SEX	M	D.O.B. MMDDYY	04 - 22 - 1961
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ON DUTY <input type="checkbox"/>	STATUS	AIRBAG	2	RESTR	4	EJECT	1	HELMET USE	2	INJURY CLASS	1	NATURE OF INJURIES
----------------------------------	--------	--------	---	-------	---	-------	---	------------	---	--------------	---	--------------------

LICENSE PLATE #	58483D	STATE	WA	VIN #	1FVHG3DV8GHGZ0007
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TRAILER PLATE #		STATE		TRAILER PLATE #		STATE	
-----------------	--	-------	--	-----------------	--	-------	--

VEH. YEAR	2016	MAKE	FRHT	MODEL	VAC	STYLE		VEHICLE TOWED DUE TO DISABLING DAMAGE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TOWED BY		GOVT. VEHICLE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
-----------	------	------	------	-------	-----	-------	--	---	----------	--	---

REGISTERED OWNER INFO	CITY SPOKANE 1410 N NORMANDIE ST SPOKANE WA 99201 D: 5096257900
-----------------------	---

LIABILITY INSURANCE IN EFFECT <input checked="" type="checkbox"/>	INSURANCE CO & POLICY # SAFETY NATIONAL CASUALTY CORPORATION CA 6676011	VEHICLE LEGALLY STANDARDS YES <input type="checkbox"/> NO <input type="checkbox"/>	CITATION #	CHARGE
---	---	--	------------	--------

UNIT 02	MOTOR VEHICLE <input checked="" type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	PEDESTRIAN <input type="checkbox"/>	PROPERTY OWNER <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	PHONE
---------	---	--------------------------------------	-------------------------------------	---	--	-------

LAST NAME	UNKNOWN	FIRST NAME		MIDDLE INITIAL	
-----------	---------	------------	--	----------------	--

STREET <input type="checkbox"/>		CITY	SPOKANE	ST		ZIP	
---------------------------------	--	------	---------	----	--	-----	--

CDL		IGNITION INTERLOCK REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	IGNITION INTERLOCK PRESENT YES <input type="checkbox"/> NO <input type="checkbox"/>	MEDICAL TRANSPORTED YES <input type="checkbox"/> NO <input type="checkbox"/>
-----	--	--	---	--

DRIVER'S LICENSE #		STATE		SEX	U	D.O.B. MMDDYY	
--------------------	--	-------	--	-----	---	---------------	--

ON DUTY <input type="checkbox"/>	STATUS	AIRBAG	9	RESTR	9	EJECT	1	HELMET USE	9	INJURY CLASS	0	NATURE OF INJURIES
----------------------------------	--------	--------	---	-------	---	-------	---	------------	---	--------------	---	--------------------

LICENSE PLATE #	CAF5479	STATE	WA	VIN #	2HNYD18984H520779
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TRAILER PLATE #		STATE		TRAILER PLATE #		STATE	
-----------------	--	-------	--	-----------------	--	-------	--

VEH. YEAR	2004	MAKE	ACUR	MODEL	MDX	STYLE	UT	VEHICLE TOWED DUE TO DISABLING DAMAGE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TOWED BY		GOVT. VEHICLE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
-----------	------	------	------	-------	-----	-------	----	---	----------	--	---

REGISTERED OWNER INFO	HANNAH JOHNSON 950 S ASH ST APT 204 SPOKANE WA D: 5099928824
-----------------------	--

LIABILITY INSURANCE IN EFFECT <input checked="" type="checkbox"/>	INSURANCE CO & POLICY # FOREMOST INSURANCE COMPANY G01 1259784 00	VEHICLE LEGALLY STANDARDS YES <input type="checkbox"/> NO <input type="checkbox"/>	CITATION #	CHARGE
---	---	--	------------	--------

OFFICER'S NAME (PRINT)	J. YEN	OFFICER PHONE		BADGE OR ID #	1169	AGENCY	WA0320400
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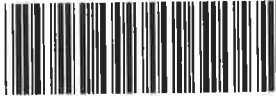
1 9 29
2 2 30
1 1 2 31
2
3
1
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3

FROM TO
7 1 33
FROM TO
34
35
36

4 37
5 38
3 39
40
1 41
4 42
43
44



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

CORRECTION

REPORT NO. **EB72140**

CASE # **2120166855**

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME (LAST, FIRST, MIDDLE INITIAL)		FORDERER JESSE L																
ADDRESS & PHONE #		909 E. SPRAGUE AVE. SPOKANE WA 99202 5096257900						SEX	M	D.O.B. MMDDYYYY	04	-	19	-	1980			
PASSENGER	<input checked="" type="checkbox"/>	WITNESS	<input type="checkbox"/>	UNIT #	1	SEAT POS.	3	AIRBAG	2	RESTR.	4	EJECT	1	HELMET USE	2	INJURY CLASS	1	NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)																		
ADDRESS & PHONE #								SEX		D.O.B. MMDDYYYY		-		-				
PASSENGER	<input type="checkbox"/>	WITNESS	<input type="checkbox"/>	UNIT #		SEAT POS.		AIRBAG		RESTR.		EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)																		
ADDRESS & PHONE #								SEX		D.O.B. MMDDYYYY		-		-				
PASSENGER	<input type="checkbox"/>	WITNESS	<input type="checkbox"/>	UNIT #		SEAT POS.		AIRBAG		RESTR.		EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES

NARRATIVE

Unit #1 made a right turn from W. 10th Ave. to S. Ash St. to travel northbound. As it was traveling northbound, a metal hose attachment on the front of the truck scrapped a parked vehicle parked on the west side of S. Ash St. parked facing northbound. No damage was found on the hose, but damage was found on the parked vehicle.

Driver #1 didn't realize the metal hose/attachment he had on the vehicle was sticking out past the vehicle bumper.

**** AUTO-POPULATED SECTION ****

THE FOLLOWING ARE DESCRIPTIONS ENTERED FOR ITEMS SELECTED AS "OTHER":

Motor Vehicle Unit 1

Action Code: MAKING RIGHT TURN

**** END OF AUTO-POPULATED SECTION ****

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

J. YEN				09-27-21 02:06 PM			
INVESTIGATING OFFICER'S SIGNATURE		UNIT OR DIST. DET		DATED		PLACE SIGNED	
APPROVED BY				DATE			
C. CONRATH 1106				9/27/2021 10:25:12 PM			
BADGE OR ID #	1169	ORI #	WA0320400	TIME POLICE DISPATCHED	10:49 AM	TIME POLICE ARRIVED	10:54 AM



**SUPPLEMENTAL
POLICE TRAFFIC
COLLISION REPORT**



013197

REPORT NO. EB72140

CASE # 212016855

COMMERCIAL MOTOR CARRIER		INTERSTATE <input checked="" type="checkbox"/>		INTRASTATE <input type="checkbox"/>	
UNIT #	1	USDOT	ICC #	VEHICLE TYPE 3	CARGO BODY TYPE 9

CARRIER NAME **CITY OF SPOKANE**

CARRIER ADDRESS **909 E SPRAGUE AVE**

CITY **SPOKANE** ST **WA** ZIP **99202**

NAME SOURCE **3** # AXLES **03** GWR **54000** PLACARD + NAME IF NO NUMBER

ADDITIONAL UNITS

UNIT #	MOTOR VEHICLE <input type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	PEDESTRIAN <input type="checkbox"/>	PROPERTY OWNER <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input type="checkbox"/> NO <input type="checkbox"/>	PHONE
---------------	--	--------------------------------------	-------------------------------------	---	---	-------

LAST NAME FIRST NAME MIDDLE INITIAL

STREET NEW ADDRESS CITY ST ZIP

CDL IGNITION INTERLOCK REQUIRED YES NO PRESENT YES NO MEDICAL TRANSPORTED YES NO

DRIVER'S LICENSE STATE SEX DOB MMDDYYYY

ON DUTY STATUS AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURIES

LICENSE PLATE # STATE VIN #

TRAILER PLATE # STATE TRAILER PLATE # STATE

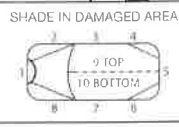
TRLR VIN #

VEH. YEAR MAKE MODEL STYLE VEHICLE TOWED DUE TO DISABLING DAMAGE YES NO TOWED BY GOVT. VEHICLE YES NO

REGISTERED OWNER INFO. SHADE IN DAMAGED AREA

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY #

VEHICLE LEGALLY STANDING YES NO CITATION # CHARGE



UNIT #	MOTOR VEHICLE <input type="checkbox"/>	PEDAL-CYCLE <input type="checkbox"/>	PEDESTRIAN <input type="checkbox"/>	PROPERTY OWNER <input type="checkbox"/>	DAMAGE THRESHOLD MET YES <input type="checkbox"/> NO <input type="checkbox"/>	PHONE
---------------	--	--------------------------------------	-------------------------------------	---	---	-------

LAST NAME FIRST NAME MIDDLE INITIAL

STREET NEW ADDRESS CITY ST ZIP

CDL IGNITION INTERLOCK REQUIRED YES NO PRESENT YES NO MEDICAL TRANSPORTED YES NO

DRIVER'S LICENSE # STATE SEX DOB MMDDYYYY

ON DUTY STATUS AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURIES

LICENSE PLATE # STATE VIN #

TRAILER PLATE # STATE TRAILER PLATE # STATE

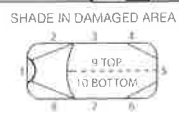
TRLR VIN #

VEH. YEAR MAKE MODEL STYLE VEHICLE TOWED DUE TO DISABLING DAMAGE YES NO TOWED BY GOVT. VEHICLE YES NO

REGISTERED OWNER INFO. SHADE IN DAMAGED AREA

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY #

VEHICLE LEGALLY STANDING YES NO CITATION # CHARGE



I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

J. YEN 09-27-21 02:06 PM
INVESTIGATING OFFICER'S SIGNATURE OFFICER'S PHONE UNIT OR DIST DET DATED: PLACE SIGNED

BADGE OR ID # **1169** ORI # **WA0320400** APPROVED BY **CONRATH** DATE **9/27/2021** PAGE **3** OF **4**

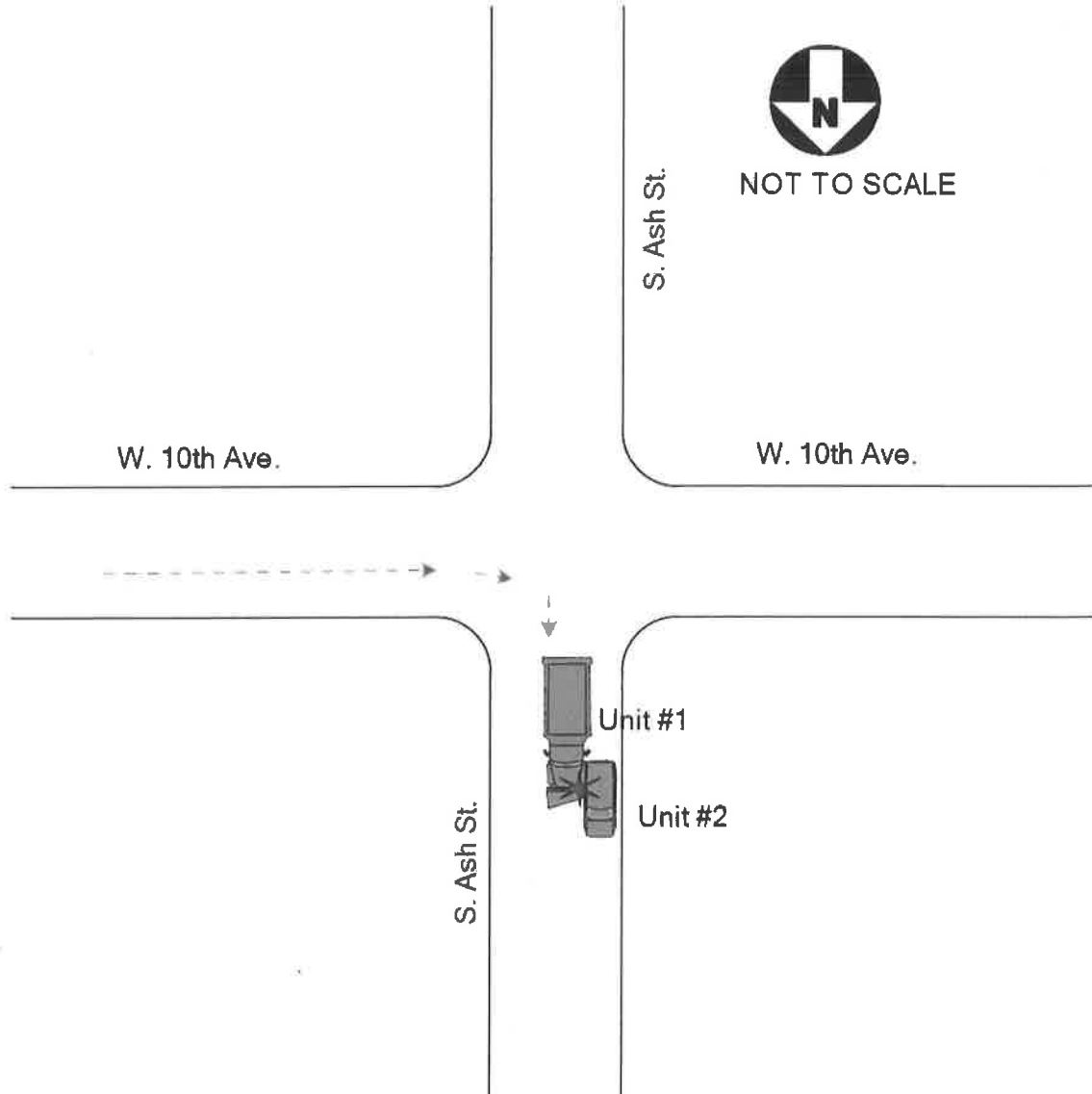


EXHIBIT 2

From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 1:37 PM
To: Scott, Jim <James.Scott@davies-group.com>
Subject: RE: POLICE REPORT - WRONG CITY INSURANCE LISTED

That makes complete sense, thank you and fingers crossed that my latest email will be followed!

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office [\(509\)625-4162](tel:5096254162)

From: James Scott <James.Scott@davies-group.com>
Sent: Tuesday, September 28, 2021 11:46 AM
To: Meidl, Tracie <tmeidl@spokanepolice.org>
Subject: RE: POLICE REPORT - WRONG CITY INSURANCE LISTED

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thanks for the response.

Yes, the City has the same insurance coverage/policy for all city vehicles regardless of department. The reason for the requested "self-insured" designation is because the city carries a \$1.5M self-insured retention for each accident. So the city pays out of pocket all claims under this amount.

It just creates confusion when the officer puts down the insurance company and involved parties contact the insurance company(instead of the city) and the company in turn reaches out to us to handle the claim since it is under the \$1.5M SIR.

James Scott
Sr. Claim Adjuster



808 W. Spokane Falls Blvd., Spokane, WA 99201

P. +1 509-625-6826

M.

E. James.Scott@davies-group.com

www.davies-group.com/claims/na/

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From: Meidl, Tracie <tmeidl@spokanepolice.org>

Sent: Tuesday, September 28, 2021 11:31 AM

To: James Scott <James.Scott@davies-group.com>

Subject: FW: POLICE REPORT - WRONG CITY INSURANCE LISTED

Here's the response from the officer, apologizing and explaining his "why".

Does the City use the same insurance company for all City-owned vehicles?

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office [\(509\)625-4162](tel:5096254162)

From: Yen, John <jyen@spokanepolice.org>

Sent: Tuesday, September 28, 2021 11:16 AM

To: Meidl, Tracie <tmeidl@spokanepolice.org>; Conrath, Christopher <cconrath@spokanepolice.org>

Cc: Yamada, Isamu <iyamada@spokanepolice.org>; Meyer, Richard <rmeyer@spokanepolice.org>; Quarles, Darrell <dquarles@spokanepolice.org>; Stevens, Barton <bstevens@spokanepolice.org>

Subject: RE: POLICE REPORT - WRONG CITY INSURANCE LISTED

Sorry about that. I figured it was the "Self Insured" but they did produce an Insurance Card provided by the supervisor who showed up from the Sewer Department so I placed that in the collision report. I was unsure of what to do since they had a card for what I thought was specifically for that departments vehicles.

Do I need to do a supplemental remedying the issue?

Thank you!

JY #1169

John Yen | Senior Police Officer | Team 1-Day Shift Patrol
Drug Recognition Expert (DRE) #027034
Shift Hours 0600-1640 Hours
Spokane Police Department
jyen@spokanepolice.org



From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:06 AM
To: Yen, John <jyen@spokanepolice.org>; Conrath, Christopher <cconrath@spokanepolice.org>
Cc: Yamada, Isamu <iyamada@spokanepolice.org>; Meyer, Richard <rmeyer@spokanepolice.org>; Quarles, Darrell <dquarles@spokanepolice.org>; Stevens, Barton <bstevens@spokanepolice.org>
Subject: FW: POLICE REPORT - WRONG CITY INSURANCE LISTED

John and Chris,
A reminder that any City of Spokane vehicle involved in a collision is "Self-Insured" and the insurance information is NOT placed on the State Collision Report. Please let me know if you have any questions.
Thank you,
Tracie

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office [\(509\)625-4162](tel:5096254162)

From: James Scott <James.Scott@davies-group.com>
Sent: Tuesday, September 28, 2021 8:16 AM
To: Meidl, Tracie <tmeidl@spokanepolice.org>
Subject: POLICE REPORT - WRONG CITY INSURANCE LISTED

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Capt, Meidl,

Please see attached police report with wrong City insurance listed.

We have been battling these report errors now for almost a year. Frankly, this is getting exhausting and I don't know how these errors get passed the reviewing/supervising officer that signs off on these reports.

Any assistance you can provide in getting this corrected would be appreciated.

Thank you.

James Scott
Sr. Claim Adjuster



808 W. Spokane Falls Blvd., Spokane, WA 99201
P. +1 509-625-6826
M.
E. James.Scott@davies-group.com
www.davies-group.com/claims/na/

EXHIBIT 3

Uberuaga, Jason

From: Conrath, Christopher
Sent: Tuesday, September 28, 2021 6:07 PM
To: Uberuaga, Jason
Cc: Honaker, Kristopher R
Subject: FW: POLICE REPORT - WRONG CITY INSURANCE LISTED

Emails 1-4

From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:20 AM
To: Yen, John <jyen@spokanepolice.org>; Conrath, Christopher <cconrath@spokanepolice.org>
Cc: Yamada, Isamu <iyamada@spokanepolice.org>; Meyer, Richard <rmeyer@spokanepolice.org>; Quarles, Darrell <dquarles@spokanepolice.org>; Stevens, Barton <bstevens@spokanepolice.org>
Subject: RE: POLICE REPORT - WRONG CITY INSURANCE LISTED

Thank you John,
The insurance company used by the City is the same citywide. The claims adjuster has it now, so no need to provide a supplemental.
Thank you for your response,
Tracie

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office (509)625-4162

From: Yen, John <jyen@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:16 AM
To: Meidl, Tracie <tmeidl@spokanepolice.org>; Conrath, Christopher <cconrath@spokanepolice.org>
Cc: Yamada, Isamu <iyamada@spokanepolice.org>; Meyer, Richard <rmeyer@spokanepolice.org>; Quarles, Darrell <dquarles@spokanepolice.org>; Stevens, Barton <bstevens@spokanepolice.org>
Subject: RE: POLICE REPORT - WRONG CITY INSURANCE LISTED

'Sorry about that. I figured it was the "Self Insured" but they did produce an Insurance Card provided by the supervisor who showed up from the Sewer Department so I placed that in the collision report. I was unsure of what to do since they had a card for what I thought was specifically for that departments vehicles.

Do I need to do a supplemental remedying the issue?

Thank you!

JY #1169

EXHIBIT 3-1

John Yen | Senior Police Officer | Team 1-Day Shift Patrol
Drug Recognition Expert (DRE) #027034
Shift Hours 0600-1640 Hours
Spokane Police Department
jyen@spokanepolice.org



From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:06 AM
To: Yen, John <jyen@spokanepolice.org>; Conrath, Christopher <cconrath@spokanepolice.org>
Cc: Yamada, Isamu <iyamada@spokanepolice.org>; Meyer, Richard <rmeyer@spokanepolice.org>; Quarles, Darrell <dquarles@spokanepolice.org>; Stevens, Barton <bstevens@spokanepolice.org>
Subject: FW: POLICE REPORT - WRONG CITY INSURANCE LISTED

John and Chris,
A reminder that any City of Spokane vehicle involved in a collision is "Self-insured" and the insurance information is NOT placed on the State Collision Report. Please let me know if you have any questions.
Thank you,
Tracie

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office (509)625-4162

From: James Scott <James.Scott@davies-group.com>
Sent: Tuesday, September 28, 2021 8:16 AM
To: Meidl, Tracie <tmeidl@spokanepolice.org>
Subject: POLICE REPORT - WRONG CITY INSURANCE LISTED

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Capt, Meidl,

Please see attached police report with wrong City insurance listed.

We have been battling these report errors now for almost a year. Frankly, this is getting exhausting and I don't know how these errors get passed the reviewing/supervising officer that signs off on these reports.

Any assistance you can provide in getting this corrected would be appreciated.

Thank you.

EXHIBIT 3-2

Uberuaga, Jason

From: Conrath, Christopher
Sent: Tuesday, September 28, 2021 6:07 PM
To: Uberuaga, Jason
Cc: Honaker, Kristopher R
Subject: FW: City Involved Collisions/Insurance Cards

Email #5

From: Yamada, Isamu <iyamada@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:21 AM
To: SPD Corporals <SPDCorporals@spokanecity.org>
Cc: Meyer, Richard <rmeyer@spokanepolice.org>
Subject: FW: City Involved Collisions/Insurance Cards

****When you review Sector Collisions, please be sure it complies with information listed below- "SELF-INSURED."**

Thanks

From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:15 AM
To: All Police Commissioned <AllPoliceCommissioned@spokanecity.org>
Subject: City Involved Collisions/Insurance Cards

All,

Once again, I am sending out a reminder:

Any City of Spokane vehicle involved in a collision should note "Self-Insured" and NOT include the actual insurance company on the WA State Collision Report form. In addition, to minimize confusion, you can discard the insurance card in your City-owned vehicle (per Risk Management).

I have been addressing these errors as they have come in, but our claims adjuster is understandably frustrated when the errors occur and supervisors aren't catching them upon their review either.

Thank you,
Tracie

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office ([509](tel:5096254162))625-4162

EXHIBIT 3-4

Uberuaga, Jason

From: Conrath, Christopher
Sent: Tuesday, September 28, 2021 6:08 PM
To: Uberuaga, Jason
Cc: Honaker, Kristopher R
Subject: FW: City Involved Collisions/Insurance Cards

Email #6

From: Yamada, Isamu <iyamada@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:23 AM
To: SPD Corporals <SPDCorporals@spokanecity.org>
Subject: FW: City Involved Collisions/Insurance Cards

*This pertains to all city own vehicles, in and outside of the police department, Sewer, Garbage, SFD etc...

From: Yamada, Isamu
Sent: Tuesday, September 28, 2021 11:21 AM
To: SPD Corporals <SPDCorporals@spokanecity.org>
Cc: Meyer, Richard <rmeyer@spokanepolice.org>
Subject: FW: City Involved Collisions/Insurance Cards

**When you review Sector Collisions, please be sure it complies with information listed below- "SELF-INSURED."

Thanks

From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:15 AM
To: All Police Commissioned <AllPoliceCommissioned@spokanecity.org>
Subject: City Involved Collisions/Insurance Cards

All,

Once again, I am sending out a reminder:

Any City of Spokane vehicle involved in a collision should note "Self-Insured" and NOT include the actual insurance company on the WA State Collision Report form. In addition, to minimize confusion, you can discard the insurance card in your City-owned vehicle (per Risk Management).

I have been addressing these errors as they have come in, but our claims adjuster is understandably frustrated when the errors occur and supervisors aren't catching them upon their review either.

Thank you,
Tracie

EXHIBIT 3-5

Uberuaga, Jason

From: Conrath, Christopher
Sent: Tuesday, September 28, 2021 6:25 PM
To: Uberuaga, Jason
Cc: Honaker, Kristopher R
Subject: FW: City Involved Collisions/Insurance Cards

Email #7

From: Meidl, Tracie <tmeidl@spokanepolice.org>
Sent: Tuesday, September 28, 2021 11:15 AM
To: All Police Commissioned <AllPoliceCommissioned@spokanecity.org>
Subject: City Involved Collisions/Insurance Cards

All,

Once again, I am sending out a reminder:

Any City of Spokane vehicle involved in a collision should note "Self-Insured" and NOT include the actual insurance company on the WA State Collision Report form. In addition, to minimize confusion, you can discard the insurance card in your City-owned vehicle (per Risk Management).

I have been addressing these errors as they have come in, but our claims adjuster is understandably frustrated when the errors occur and supervisors aren't catching them upon their review either.

Thank you,
Tracie

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office [509\)625-4162](tel:5096254162)

EXHIBIT 3-6

EXHIBIT 4

Uberuaga, Jason

From: Conrath, Christopher
Sent: Tuesday, September 28, 2021 2:14 PM
Cc: All Police Commissioned
Subject: I'm sorry.

I'm afraid I owe all of you an apology. It was I who failed to recognize that "Self-Insured" was not noted on a collision report involving a vehicle owned by the sewer department. I can only imagine the difficulty this error has caused some of you, to include risk management personnel. Fortunately though, I received six emails today to remind me of my repeated failures to supervise. Rest assured, I am now sufficiently motivated to come in to work tonight and do a better job for you.

Sometimes, amidst a fifteen hour shift, and while working as the only Corporal between four patrol teams to include powershift and graveyard, there lies the possibility that a clerical error may occur. I take full responsibility for this mistake, and again, I am very sorry.

Chris

On Sep 28, 2021, at 11:15, Meidl, Tracie <tmeidl@spokanepolice.org> wrote:

All,
Once again, I am sending out a reminder:
Any City of Spokane vehicle involved in a collision should note "Self-Insured" and NOT include the actual insurance company on the WA State Collision Report form. In addition, to minimize confusion, you can discard the insurance card in your City-owned vehicle (per Risk Management).
I have been addressing these errors as they have come in, but our claims adjuster is understandably frustrated when the errors occur and supervisors aren't catching them upon their review either.
Thank you,
Tracie

Tracie Meidl | Captain | Patrol Division
Spokane Police Department
Office [\(509\)625-4162](tel:5096254162)

EXHIBIT 5



SPOKANE POLICE DEPARTMENT
CHIEF OF POLICE
CRAIG N. MEIDL

***Internal Affairs Investigation
Notice to Personnel***

IA Tracking Number: C21-0

Date: 9/28/2021

To: Cpl. C. Conrath

This correspondence serves as a notification that a personnel complaint was filed and you are listed as a (accused) officer.

Complainant: Internal Affairs

Allegation(s):

Policy 340.3.5(D): Insubordination

Policy 212.3: Prohibited use of email

Date of Incident: 9/28/2021 **Time of Incident:** 1415

Incident Number: NA

Summary of Complaint:

On 9/28/21 Cpl. Chris Conrath replied to an email that was sent to all police by Captain Meidl reference checking the "self insured" box on accidents that all city vehicles are involved in. Cpl. Conrath's reply was to all commissioned police and it was titled "I'm sorry." The email appears to use some definite sarcasm and makes mention of officers working long shifts with limited personnel. He also makes a comment about being motivated to come into work tonight and do a better job.

This matter has been assigned to Sgt. J. Uberuaga for investigation. You are currently scheduled to be interviewed on Tuesday September 28th, 2021 at 1600 in the IA conference room.



You have the right to confer with a union representative in this matter. It is expected that you will have reviewed the report(s) pertinent to this investigation and your bodyworn camera video regarding this incident prior to your interview. If you have been given access to other officers' bodyworn camera video, it is expected that will also be reviewed prior to your interview. The review of this material can be done while on-duty. If you have any questions about the review of this material, please contact me.

Should you have any questions please feel free to contact the assigned investigator.

Thank You,

A handwritten signature in black ink, appearing to read "J. Uberuaga", with a flourish at the end. To the right of the signature, the number "#606" is handwritten.

Sergeant J. Uberuaga #606
Internal Affairs

This investigation is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. You may only disclose to others that you are the subject of an investigation.



EXHIBIT 6

SPOKANE POLICE DEPARTMENT - INTERNAL INVESTIGATION
RIGHTS / RESPONSIBILITIES FOR ADMINISTRATIVE INTERVIEWS

Employee: Cpl. Chris Conrath #1106 (Accused X / Witness)

Incident or Citation #: NA Complainant: Internal

Date/Time: 09/28/21 - 1415 Location: NA

Complaint: Policy 340.3.5(D): Insubordination

Policy 212.3: Prohibited use of email

1. The purpose of this interview is to determine if misconduct or violations of Rules and Regulations, Policies and Procedures, Code of Ethics or any other departmental guidelines have occurred.
2. You have the right to be informed of your status regarding this investigation—whether you are the accused or a witness.
3. You have no right to remain silent. You must fully and truthfully answer all questions relating to your official duties and/or potential violations of City of Spokane or departmental Rules and Regulations; Policies and Procedures; Code of Canons and Ethics. Refusal to do so may result in subsequent disciplinary action up to and including dismissal.
4. You may have a union representative present to represent you or you may have an attorney that you have retained privately for consultation if you so desire. Reasonable time will be allowed for consultation, but you may not consult so frequently as to unduly interfere with the interview. Neither your attorney nor your union representatives may answer questions for you.
5. I acknowledge that I have reviewed the written reports pertinent to this investigation and my bodyworn camera video related to this incident. If I have been allowed access to other officers' bodyworn camera footage, I acknowledge that I have reviewed that as well.
6. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.

7. No information derived during this interview can be used in any criminal proceeding against you (except perjury or obstruction charges¹). However, these statements may be used against you in relation to subsequent departmental charges.
8. This investigation and interview is confidential pursuant to the Spokane Police Department Personnel Complaint Procedure Policy 1020. In order to ensure that the integrity of the investigation is preserved and that all department rules and regulations are understood and followed, you shall not discuss the allegations or investigation with anyone except your union representative(s), attorney or supervisor. You may not allow anyone else to gain access to that information without the expressed authorization of the Chief or his/her designee. Additionally, if you are the accused employee, you may only disclose to others that you are the subject of an investigation.
9. You are hereby ordered to comply with the investigation currently being conducted by _____ and to provide any written statement and answer any questions pertaining to the investigation. *(For non-SPD investigations only)*

Employee's signature C. Conrath 1106 Date 092821 Time 1618

Administered by [Signature] #606 Date 9/28/21 Time 419

As the witness/accused employee, I acknowledge receipt of formal written notification of an impending internal investigation prior to being interviewed. I further understand the cited violations will be determined once all the facts are gathered and the investigation is concluded.

Employee's signature C. Conrath 1106 Date 092821 Time 1618

¹ The Fifth Amendment does not protect false statements from a later prosecution for perjury or obstruction of justice whether they occur under oath, with immunity, or during a governmental investigation. U.S.C.A. Const. Amend. 5; 18 U.S.C.A. § 6002. United States v. Veal, 153 F.3d 1233 (11th Cir. 1998)

EXHIBIT 7

INTERVIEW TRANSCRIPTION

IA Case #: C21-066

Date: 09/28/2021 Time: 16:20

SPD Internal Complaint

Complaint: Insubordination and Policy Violation

JU: Sergeant Jason Uberuaga
MC: Lieutenant Matt Cowles
CC: Corporal Chris Conrath
KH: Officer Kris Honaker
DD: Detective Dave Dunkin
BL: Bart Logue
UNK: Unknown

UNK: [Unintelligible].

JU: We are now...we are now beginning this interview. The date is September 28th, 2021 and the time is 4:20. Present in the room are myself, Sergeant Uberuaga, Sergeant Cowles from Internal Affairs.

UNK: Lieutenant.

JU: I'm sorry, Lieutenant Cowles from Internal Affairs. Police Ombudsman, Bart Logue by phone. Officer Kris Honaker and Detective Dunkin will be representing Corporal Conrath. This interview is being recorded. Internal investigation files are considered public records and are subject to release in accordance with Washington State law. Do you understand...err do you have any concerns with the release of this investigation?

CC: No.

JU: Would you please confirm the spelling of your last name and tell me your personnel number?

CC: C-O-N-R-A-T-H; 1-1-0-6.

JU: Have you read and signed your administrative rights and responsibilities form?

CC: Yes, I have.

JU: Have you been offered a copy of those rights?

CC: Yes, I have.

JU: Would you like a copy?

CC: No thank you.

JU: Do you understand them?

CC: Yes.

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JU: Have you been given a written overview of the allegations in this case?

CC: I have.

JU: 'Kay. Do you understand that you are an accused officer in this investigation?

CC: Yes I do.

JU: Okay. The IA...the IA tracking number has not been assigned yet. Yeah. The allegation is Policy 340.3.5 subsection (d), Insubordination and Policy 212.3, Prohibited Use of Email. This is an internal complaint. Corporal Conrath, how long have you worked for the Spokane Police Department?

CC: I was a...I began with Spokane Police Department 2008 as a Reserve Officer. I was then hired full time in, I believe July of 2010.

JU: 'Kay. Do you have any pri...prior law enforcement experience?

CC: I do not.

JU: Do you have any specialty assignments?

CC: Not currently, no.

JU: Okay. What is your current assignment?

CC: Power shift patrol, Team 9 as a Police Corporal.

JU: 'Kay. Corporal Conrath on 9/28/21, today. You, along with all commissioned police received an email from Captain Meidl regarding checking the quote "self-insured" end quote box on a collision that involves all city of Spokane vehicles. At 14:15 hours, you responded back to all commissioned police responding to this email that was sent. Corporal Conrath, did the email that was sent by Captain Meidl to all police personnel have your name specifically addressed with in it?

CC: I...I don't know. I received multiple emails today, some of which were addressed to me specifically and some did not.

JU: Okay.

CC: I believe the email that's in front of me is addressed to all police and not me specifically.

JU: So within the context of this email is your name addressed?

KH: Oh right there, sorry.

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CC: Reference the email that I sent?

JU: No, no, referencing the email that Captain Meidl sent to all police talking about the self-insured box.

KH: No [unintelligible], hold on. It's...

CC: I don't know.

KH: I mean we want to look at the right thing here. 'Kay.

CC: It doesn't say on the email that I'm looking at in front of me.

JU: Right here. This is the email that Captain Meidl sent to all police personnel.

CC: Where it's addressed to all comma...

JU: Right.

CC: And then the text of her email?

JU: That's correct.

CC: That does not list my name, no.

JU: Okay. Did you receive any other emails today from Captain Meidl?

CC: I believe so, yes.

JU: Okay. You referenced...you just said that you...you received several emails and in here you...you reference you received six emails.

CC: Upon reviewing my emails, it's actually, I think seven emails that I received today regarding this particular matter.

JU: Okay. Are you able to...

CC: And I'm not a hundred percent...like, it's difficult to go through email transcripts and all the sending and receiving. I believe it is. I...I was estimating at about six and I...now I believe it is seven.

JU: Okay. And...so we'll like a copy of all seven of those when you get a chance.

CC: You would like a copy?

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JU: Yes.

CC: Okay.

JU: 'Kay. Did you...Corporal Conrath, did you say in the email titled "I'm sorry to all commissioned police personnel"?

CC: Yes I did.

JU: Okay. And is that email in front of you? Is that what you sent?

CC: Yes it is.

JU: Okay. Do...do you believe you were the only officer that made this error that Captain Meidl is referring to?

CC: I'm not sure how to answer that. This is a mistake that occurs regularly. In this particular case, there was a patrol officer who completed a collision report, made a clerical error and I then approved the report, failing to notice that clerical error and I approved it. Thus, causing this chain of events.

JU: What was...

CC: So at least two officers, being a patrol officer and a corporal, me were involved in this matter.

JU: 'Kay. What was your purpose in writing the email?

CC: To address the issue that occurred. To take responsibility for it and to genuinely apologize to my coworkers for receiving yet another all police email for a matter that really involved just me and perhaps this other patrol officer. It was my mistake.

JU: So the purpose of the email was not to apologize to Captain Meidl for your mistake, it was to apologize to the entire commissioned police force?

CC: Which I believe Tracie is a part of.

JU: Right.

CC: But yes, all...all commissioned police officers. I...I wanted to apologize to my coworkers for falling short and causing another email for them to have to read, when it was in fact my mistake.

JU: 'Kay. Did you ever think to just send Captain Meidl an apology?

CC: To be perfectly honest, I didn't put a significant amount of thought into it. I...I hit the reply button and I typed my reply. I...I didn't consider the ramifications of sending it to everybody

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- verses just Captain Meidl. I never would've thought that it...this would be the issue that it has become. I meant to take responsibility for it, acknowledge that I had worked a double shift and I was exhausted and I was working by myself and it's perhaps a bit of an excuse and I'm sorry and...and perhaps to minimize the...the word I'm looking for. Maybe the importance of...of...of the quote "self-insured" box on a collision report when considering the job that we're doing today. I'm working night shift. I worked a very long shift out in the rain and I...and I messed up on a collision report and so I'm saying I'm sorry. I'm sorry to you guys that you have to get an email about something that I...that I messed up on. That was my intent on sending what I sent. I didn't think that it would be construed as so offensive to whomever has the issue here.
- JU: Okay. Do you believe that this is an appropriate use of department email to send a reply all on something like this?
- CC: Sitting here now? Clearly not, but that's the only means of which I had to communicate with all of my coworkers simultaneously, so this is something I obviously would not do again. I don't believe to date that I've ever sent an all police email. Oh, maybe I have when I was looking for a piece of lost equipment. So no, this is...I wouldn't ever select all police for an email again.
- JU: Can you explain to me why your email should not be interpreted as disrespectful or antagonistic towards Captain Meidl?
- CC: Well since being advised of this internal affairs investigation about fifteen minutes ago, I've read the email one time since then and I...I'm trying to find an area within the email that it's problematic and I...I seem to be acknowledging responsibility for the mistake, apologizing to everyone, acknowledging that I've received multiple communications reference this same matter and it...I'll...I'm motivated to come in and do a better job and then I continued with I worked a really long night and I made a mistake and I said I'm sorry again. So I'm sorry, I kind of lost track of the initial question. Do I see a part of it in it [unintelligible]...
- KH: So that was...I think it was...is there a part there that was pointed at Captain Meidl?
- CC: I didn't mean any of it to be directed directly towards Captain Meidl, no. Again, I didn't address Captain Meidl directly either in my email. I wasn't trying to direct this directly towards her.
- JU: So the...the sentence, the last sentence in the first paragraph. "Rest assured, I am now sufficiently motivated to come into work tonight and do a better job for you." Do you feel that that could be taken as sarcastic a little bit? Disrespectful to others or to some?
- CC: I think that's a little subjective. Anything a person says could be construed as...as sarcastic. The honest truth is of all the...of all the responsibilities I have on a given night, traffic collision reports are...are low level priority and I do a lot of them. So I...I fly through them quickly and don't spend a lot of time on them and I make a mistake in...in my haste to go through the, you know probably fifty that I did last night. So I need to spend more time on it. I don't want to be in situation again. I don't want to receive these emails to all of my coworkers for something that I did wrong. I...I'm trying to acknowledge that I'm going to spend more time on this and do a

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better job in approving collision reports. I didn't mean for that to be snarky or offensive or whatever term we're trying to use here. I can see how...clearly, someone did not like it. I can see how that...that is possible.

JU: 'Kay. Lieutenant Cowles, do you have any questions?

MC: After you have a drink of water.

CC: Oh, thank you.

MC: Yeah, if I may. Good to go?

JU: You don't have any questions?

MC: I do. I was asking him if he's ready to go.

CC: Oh, yes.

MC: Alright. I'm gonna have to paraphrase a little bit because I don't have the transcript of our current conversation, but it sounded as though you made the statement along the lines of "I didn't consider all of the ramifications when you sent the email".

CC: I believe I...

MC: Do you recall saying something along those lines?

CC: Yeah, I think that almost verbatim what I said.

MC: Okay. Would you say that you were hasty in sending the email?

CC: Absolutely. I wish I had not sent the email.

MC: Okay.

CC: I should have never sent an email.

MC: Was it out of frustration that the email was sent?

CC: I wouldn't necessarily say that. Perhaps there was an element to frustration, more fatigue, I think would be a better word that I would use. I wanted to...let me...let me rephrase. As everyone in the room knows, have...having been a cop for a long time. If...if everybody you work with takes heat for your mistake, you don't like that. You shouldn't like that, 'cause we take pride in what we do and I don't want people to suffer for my errors. I wanted to address that and so I sent an email response trying to accept responsibility for it. It was me, I'm sorry

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guys. That was my intent. Was it hasty? Was it perhaps poor judgement? Should I never have done it? Yes. Yes. And yes. So, sure it was hasty.

MC: 'Kay. You mentioned that it was a trivial matter, the error in the reporting. I won't argue that a single box on a report form could seem that way. Do you believe that a public forum is a appropriate place to discuss with the captain, a trivial matter that had not been responded to all would've remained a trivial matter? To para...to shorten that. Was the public forum an appropriate place...

CC: Public forum meaning all police?

MC: Yeah, not like public out there, but public as in your...amongst all of your peers and people who you do not work around.

CC: I would suppose, in answer to that, I guess I didn't consider it a public forum in that we all work together. We all do the same job. This...this matter does affect all of us, although no one...none of these other people were responsible for it, it was in fact me. So again, was it the best judgement? No and if I had it...if I could go back in time by two hours I would not have sent this email.

MC: 'Kay. I don't have any more questions.

JU: Mr. Logue, do you have any questions for Corporal Conrath?

BL: Yeah, I'll ask a couple. Corporal Conrath, was it your intention to be disrespectful to Captain Meidl?

CC: No, it was not.

BL: Is there a policy or a directive that you are aware of considering when you are allowed to send all police emails?

CC: I'm sure that there is, I'm not aware of it.

BL: Have you ever received any emails to all police that were more of trivial nature?

CC: Yes, I have.

BL: How often does that happen?

CC: On a somewhat daily basis. That would depend on one's definition of trivial, but to me yes I would say it would be often.

BL: Okay, that answers my questions. Thank you.

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JU: Guild?

KH: Yeah, I've got a few. Chris would you characterize your response as having a direct conversation with Captain Meidl? Was that what you were doing here? Were you having a direct conversation with Captain Meidl? Was that what your intention was to have direct...was it you speaking to her?

CC: No, the first line in my email was all of you. So no, I was trying to address my coworkers, not just Captain Meidl.

KH: You mentioned here that you had a fifteen hours shift. Last I checked, we work ten hours and forty minutes. Why do you have a fifteen hour shift written down there, what's the problem there?

CC: Were in the middle of SWAT week. Most of our graveyard corporals happen to be on the SWAT Team and there was no coverage for graveyard shift, so I have to work my own shift and graveyard shift.

KH: What time did you get off yest...err I'm sorry, what time did you get off this morning?

CC: This morning at 06:40.

KH: What time did you get home and get in the sack?

CC: 7:30'ish.

KH: And you got on the email at 14:15? Sound about right?

CC: I woke up and observed some emails, an email...a multiple emails in my inbox.

KH: So you were up before 14:15?

CC: I was.

KH: So go ahead and get your phone out now and let's talk about those emails. I...I think you'll be able to draw these emails of his...off of...

JU: Computer?

KH: Yeah.

JU: Yeah.

KH: But go ahead and get your first one and let's count them up here. First one you receive is...

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UNK: What?

CC: Well, it's...it's difficult to interpret all of this.

DD: On the phone, they don't kind of come in the same order [unintelligible] all together.

CC: The sequencing...but it looks like today...

KH: Uh hmm.

CC: At 8:16 am there was an email sent by someone who I believe is a representative of...a claims adjuster to Captain Meidl, which was then forwarded to the involved officer and myself explaining the issue with the collision report. There was a follow-up email from that officer that cc'd all the supervision and chain of command asking does he need to do a supplemental. He apologized for his error and to which then there was another reply saying no they got...essentially, no they got it figured out on their own. You don't need to do any extra work at this point.

KH: Okay.

CC: That...that final email was at 11:19 today.

KH: Uh hmm.

CC: Then I received...this is where they start duplicating themselves. I'm sorry it's just taking me a moment.

KH: Yeah, take your time.

CC: They're all...I received, I think two emails from Sergeant Yamada. One addressed to corporals specifically and one addressed to, I think maybe a broader category of people. Basically saying the same thing, make sure you do your collision reports correctly. In fact, I can't even find it right now. I received...I'm fairly confident I received two emails from...from Sergeant Yamada.

KH: Was there also one from Mary Muramatsu at some point?

CC: I believe that's after the fact.

KH: After?

CC: She sent one at 15:44.

KH: Okay, so that's after.

CC: To...to just me specifically, but that was...

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KH: Later?

CC: Yeah. And actually she just was expressing appreciation towards me specifically.

KH: Okay, so we'll leave that one.

CC: I'm sorry. The final email I received was the all police email from Captain Meidl.

KH: Gotcha.

CC: That's why I didn't account for.

KH: Okay and now having read it and I know you're probably tired when you read this and you're feeling kind of embarrassed and want to make sure I don't take your words out of context, but I guess you're feeling kind of embarrassed 'cause at the time you're thinking I have caused everyone to receive a...a all police email because you...you made a mistake. 'Cause this is your mistake, right? This is your supervisor. You're a Corporal. You're supposed to catch these mistakes, correct?

CC: I made an error and it's my job to catch those mistakes and I did not.

KH: Okay. Alright, but when you really read the captain's email, she does say "once again, I'm sending this out as a reminder", and there's a bolded section about that, but then there's actually a bunch of new information here that I've never seen. Have you ever seen this before, that we're going to disregard the insurance card? Did you notice that?

CC: I did notice that.

KH: Okay. Have you ever been told that before, 'cause I...I don't believe I've ever seen it.

CC: Well that's the new thing, every car is supposed to have an insurance card and it lists an insurance company.

KH: Yeah.

CC: That's always been confusing and it's an error that I often times do catch, but I think taking the decision here to correct the problem by taking the cards out of the vehicles all together is a good one. So I think...

KH: That was...that was good information [unintelligible].

CC: I guess in the grand scheme of things, it's progress.

KH: Okay, that was good information. As a silver lining here, do you think and I know you read this email now. Do you think everyone's gonna remember about the self-insured thing now because

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your names gonna be attached to this on an all police email. We're all gonna remember this really, really well now from going forward.

CC: I feel that it is highly unlikely that the self-insured box is not noted in the future. I think that's gonna be probably the most accurate portion of a collision report moving forward.

KH: Thanks for taking that hit for us. Dave, do you have any?

DD: I do. So the email from Captain Meidl came after you had already been sent directly and been included on several emails on this specific topic?

CC: Correct.

DD: Correct. So then Captain Meidl sends out an email to everyone specifically about this topic that you know you had just made an error on and in this email she's expressing some frustration in exasperation where she starts it with "once again, I am sending out a reminder", and she specifically notes in there that it is errors that supervisors aren't catching. So having just received these five, six, seven emails and then you get this one from her where she frustrated and calling out supervisors. Did it feel as though her email was being sent out because of this error that you had just made?

CC: Absolutely. Corporal is the...I would say the highest level supervisor that approves collision reports.

DD: Anywhere in your email did you reference Captain Meidl, reference her/she/captain, anything about Captain Meidl?

CC: No, I did not.

DD: No. Okay. So you knew that you had made an error that caused her to send a frustrated email to everyone. You were the cause of her frustration and everyone got this email. Did you feel bad that everyone was now getting this email because of your error?

CC: That was my mindset at the time, yes.

DD: Alright, and so you were apologizing to everyone for an e...and error that you made that caused, well apparently a lot of people some frustration over this error.

CC: I...that's accurate, yes.

DD: Was the intent of your email to be rude or disrespectful or was it to apologize to everyone and especially to Captain Meidl, because clearly she's frustrated here?

CC: My...I apologized several times in my email. That was my intent to apologize, that's why I wrote the email.

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DD: Okay. Anywhere in Captain Meidl's email was she giving you a direct order that you rebuffed or said that you would not do in your email?

CC: I think quite the opposite. I reaffirmed the fact that I would do a better job of doing this correctly in the future.

DD: So the opposite of insubordination.

CC: That was my feeling.

DD: I believe I am done.

MC: Chris, are you the...err Corporal Conrath, are you the only corporal who was working over the weekend?

CC: Um...

MC: Or in the last amount of time that it occurred since her previous email regarding this incident?

CC: Well when we have...well, most of our patrol teams have a corporal assigned to them.

MC: So...

CC: We have one power shift team that does not have an assigned corporal. So when I start my shift at 4 pm...

MC: Hold on a second.

CC: Okay.

MC: Were you the only corporal working this weekend or...and/or were you the only corporal working between this email and the previous email that Captain Meidl send regarding this incident?

CC: I guess I don't understand the question exactly.

KH: I don't...I don't...yeah.

CC: At the...at the time..

MC: Was it the only corporal working the weekend...and she says "once again, I am sending out a reminder ", which infers that there was a previous email, whatever that email was she sent out a reminder. Has he been the only corporal who's been approving reports since the previous email to this email?

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Date: 09/28/2021 Time: 16:20

SPD Internal Complaint

Complaint: Insubordination and Policy Violation

CC: At the time...lots of corporals work...

MC: Okay.

CC: Over the last several months.

MC: Okay. Alright.

CC: So, yeah. Last night I was the only corporal working from the time that...

MC: Okay.

CC: Swing shift logged off until the end of graveyard shift.

MC: Okay. What was it that...aside from timing, what was it specifically that you took to take all the responsibility of this email upon your shoulders?

CC: The email exchange of...of seven-ish emails back and forth immediately before this all police email addressing that specific matter. I...I surmised that it was because of that issue and the time and investment that everyone had to put into correctly this error.

MC: M'okay.

CC: I assumed that when she sent a follow-up email moments later that it was reference the same issue, yes.

MC: So you had received a barrage of emails in regards to this incident?

CC: I just counted seven.

MC: Okay.

CC: I don't know if that's a barrage or not.

MC: Alright. You mentioned that it's a trivial matter. In your email you wrote "I can only imagine the difficulty this error has caused some of you to include risk management personnel". What difficulty did your error...what effect did it have on those other people?

CC: I believe one of the captain's email referenced the frustration that risk management was having to deal with in...or to correct these matters. In addition to the fact that then they notified the captain who notifies every police officer in the department, etcetera and so forth. So I...I referred...that is the difficulty that I was referring to.

MC: In an apology to your fellow officers, is it important for them to know that you received six or now seven emails about your repeated failures to supervise.

INTERVIEW TRANSCRIPTION

IA Case #: C21-066

Date: 09/28/2021 Time: 16:20

SPD Internal Complaint

Complaint: Insubordination and Policy Violation

- CC: Perhaps it is, perhaps it is not. I...I'm merely addressing the fact that this matter has been addressed thoroughly. The message has been received and I will do a better job.
- MC: That's all the questions I have.
- DD: Have you ever heard of anybody going to IA for an email?
- CC: I have not.
- KH: Lieutenant brought up the risk management personnel. You said you received a cc'd email from an insurance adjuster and risk management [unintelligible].
- CC: I believe...I believe...I don't understand how the insurance process works.
- KH: Yeah.
- CC: It...it's from an individual who I don't know if they're from risk management or if they're a claims adjuster or if they work for the city, I don't know who it is, but that's...I believe where this was initiated was this individual pointing out a problem with one of our collision reports.
- KH: That's why you mentioned it, because you received an email?
- CC: Yes. Yes.
- KH: Or two, maybe?
- CC: And in a...and...excuse me for one moment. In Captain Meidl's email to everybody it says "I've been addressing these errors as they've come in, but our claims adjuster is understandably frustrated with the errors that occur and supervisors aren't catching them upon their review." So that's addressing the claims adjusters' frustration and the fact that the supervisors, i.e. me, are falling short in their...
- KH: Duty.
- CC: In our duty.
- KH: Yeah [unintelligible].
- CC: I...I...I may have used the word trivial when I referred to the self-insured box on a collision report, but that said it's important. It's one of my responsibilities. I'm gonna approve a whole bunch of collision reports tonight. It's important, so I...but yes, I have...I have a lot of hats that I have to wear at a given night and when compared to, I guess life and death situations, yeah it ranks pretty low.
- UNK: [Unintelligible].

INTERVIEW TRANSCRIPTION

IA Case #: C21-066

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CC: That said, I do acknowledge the importance of doing a collision report correctly.

KH: Trivial In compared to maybe supervising an ongoing crime scene or ongoing collision scene, but not, you know trivial in the fact that it doesn't matter. It's just lower priority verses active crime scenes, active things on the street.

CC: Yes. Yes. It's absolutely by job. It's my responsibility and I...I need to do better.

KH: 'Kay.

JU: Okay, with that I'll be concluding this interview at 4:51.

UNK: Thank you, Bart.

[End of Recording]

EXHIBIT 8

Apr 12, 2016

The 6 elements of an effective apology, according to science

There are six components to an apology – and the more of them you include when you say you're sorry, the more effective your apology will be, according to new research.

But if you're pressed for time or space, there are two elements that are the most critical to having your apology accepted.

"Apologies really do work, but you should make sure you hit as many of the six key components as possible," said **Roy Lewicki** <<https://fisher.osu.edu/departments/management-and-hr/faculty/roy-j.-lewicki>>, lead author of the study and professor emeritus of **management and human resources** <<https://fisher.osu.edu/departments/management-and-hr>> at The Ohio State University's **Fisher College of Business** <<http://fisher.osu.edu/>>.

In two separate experiments, Lewicki and his co-authors tested how 755 people reacted to apologies containing anywhere from one to all six of these elements:

1. Expression of regret
2. Explanation of what went wrong
3. Acknowledgment of responsibility

4. Declaration of repentance

5. Offer of repair

6. Request for forgiveness

The research is published in the May 2016 issue of the journal *Negotiation and Conflict Management Research* < [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1750-4716](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1750-4716)> .

Lewicki's co-authors were **Robert Lount** < [http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1750-4716](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1750-4716)> , associate professor of management and human resources at Ohio State, and Beth Polin of **Eastern Kentucky University** < <http://www.eku.edu/>> .

While the best apologies contained all six elements, not all of these components are equal, the study found.

"Our findings showed that the most important component is an acknowledgment of responsibility. Say it is your fault, that you made a mistake," Lewicki said.

The second most important element was an offer of repair.

"One concern about apologies is that talk is cheap. But by saying, 'I'll fix what is wrong,' you're committing to take action to undo the damage," he said.

The next three elements were essentially tied for third in effectiveness: expression of regret, explanation of what went wrong and declaration of repentance.

The least effective element of an apology is a request for forgiveness. "That's the one you can leave out if you have to," Lewicki said.

The first study involved 333 adults recruited online through **Amazon's MTURK program** < <https://www.mturk.com/mturk/welcome>> . All the participants read a scenario in which they were the manager of an accounting department that was hiring a new employee.

At a previous job, the potential employee had filed an incorrect tax return that understated a client's capital gains income. When confronted about the issue, the job candidate apologized.



Roy Lewicki

The participants were told that the apology contained one, three or all six of the apology components. They were then asked to rate on a scale of 1 (not at all) to 5 (very) how effective, credible and adequate the apology statement would be.

The second study included 422 undergraduate students. The students read the same scenario as in the first study, but instead of being told which components the apology contained, they read an actual apology that included anywhere from one to six statements based on the six elements. For example, for acknowledgment of responsibility, the apology statement read "I was wrong in what I did, and I accepted responsibility

for my actions."

They again rated how effective, credible and adequate the apology statement would be.

The results of the two studies were not identical, but they were very similar, Lewicki said. For both studies, the more elements that the apology contained, the more effective it was rated.

When the elements were evaluated one at a time, there was general consistency in the importance of the components across the two studies, with slight variations. But in both studies, the request for forgiveness was seen as least important.

In both studies, half the respondents were told the job applicant's incorrect tax return was related to competence: He was not knowledgeable in all relevant tax codes. The other half were told it was related to integrity: He knowingly filed the tax return incorrectly.

The value of each of the six components was the same whether the apology was related to failures of competence or integrity. But overall, participants

were less likely to accept apologies when the job applicant showed a lack of integrity versus a lack of competence.

Lewicki noted that, in this work, participants simply read apology statements. But the emotion and voice inflection of a spoken apology may have powerful effects, as well.

"Clearly, things like eye contact and appropriate expression of sincerity are important when you give a face-to-face apology," he said.

EXHIBIT 9

Insolence

Left unchecked, insolence in the workplace has the potential to disrupt the work environment and to hurt morale, which can lead to lost business. Everyone in a work environment plays a role in dealing with this type of combative, argumentative behavior, which is characterized by willful non-compliance in following job-appropriate directives that an employer has issued.

What Is Insolence?

Insolence is defined as acts or behaviors that are extremely disrespectful to a boss, and that are potentially verbally abusive. Examples of insolence include yelling at managers or coworkers; refusing to comply with a supervisor's reasonable request; negatively affecting the work of others; or, sabotaging customer relations or business development dealings. It can also include harassing behavior, bragging about non-compliance and challenging the status quo in a way that is harmful to the organization. Insolence is *not* a professional disagreement or a private conversation that becomes heated and then quickly dissipates.

Employee Responsibility

Employees have an obligation to maintain a professional decorum in the workplace, even in light of differences with colleagues or managers. Getting angry, engaging in name calling, using foul or abusive language or belittling or demeaning others can all be considered insolent behaviors. Employees engaging in these acts are subject to reprimand, termination, and in extreme cases, litigation. Employees who feel unable or unwilling to alter their behaviors should consult with their human resources representative to discuss options for self-improvement.

Colleague Responsibility

It's easy to let bad workplace behavior slide as a way to avoid making waves. However, when left unaddressed, having an insubordinate employee can be demoralizing to the company and may impact productivity. It can also lead to a stressful or hostile work environment, and as such, it is incumbent upon employees to document instances of insolence they witness, and if the behavior progresses, to share that information with a manager, a supervisor or an HR representative.

Managerial Responsibility

Managers have multiple responsibilities when it comes to dealing with insolent employees. The first step is to confront the behavior, counsel the employee on the inappropriate behaviors, and to document the conversation and elucidate what are the next steps, should the behavior continue. If the behaviors persist, managers are required to work with human resources to implement corrective action as outlined in company policy, or, in extreme cases, to terminate the offending staffer. Consulting with HR or a corporate attorney is advisable, as employment laws change continually, and a company doesn't want to be saddled with a wrongful termination lawsuit because internal protocols were not followed.

Insonce Vs. Insobordination

Insubordination in the Workplace

Employers can handle insubordination in the workplace in various ways, but the most direct way is to fire that employee. However, you must understand insubordination is something that occurs regardless of ethics or camaraderie among employees. Before responding to an insubordinate employee, make sure they know about the company's policy regarding compliance. Also, confirm employees in the Human Resources Department are well-versed in specific instances of employee disruptions.

Definition of Insubordination

Insubordination refers to an employee who is outright disobedient or disrespectful to a manager or owner of a business. Examples of insubordination include:

- Refusal to obey commands of a supervisor
- Disrespect shown to higher-ups in the form of vulgar or mocking language
- Directly questioning or mocking management decisions

Additionally, disobedience can mean gestures such as non-verbal cues showing dissatisfaction or eye-rolling.

When to Detect Insubordination

You can spot the signs of insubordination when:

- A directive was issued, but it was never followed through, intentionally.
- The employee understood instructions that were given but refused to comply.
- Non-performance or outright refusing to conduct a task.

Not all factors may be present when it comes to spotting disobedience, but it is best to use good judgment based on each situation.

What Is Not Insubordination

As an employer, you'll more than likely come across specific instances of workplace conflicts or misunderstandings:

- If the employee misunderstood any instructions and did not complete a task as a result.
- An employee may question any ethics or legalities of a particular directive coming from a manager and did not follow through with the command. An employee should express such concerns to another higher-up.
- If an employee engages in a private conversation conveying why a direct order was not satisfied.

Example of Insubordination

An employee that engages in unwarranted abusive communications falls under insubordination. However, it may be appropriate if an aggressive stance was first taken by a supervisor or occurred in a private conversation. Direct cursing or aggressive physical gestures should be grounds for immediate termination. Include specific examples of insubordination in any [employee handbooks](#) or manuals you may have so staff members know what lines not to cross. Before firing someone, take some time to cool off, and avoid terminating someone on the spot if possible.

Note: Be aware that immediate termination may not be the best solution. With that, ensure any response is handed out immediately and not delayed.

One of the most challenging issues in the workplace is dealing with bad attitude and employees refusing to perform the work for which they were hired. Disruptive behaviour can take on many forms: outright refusal to carry out work, manifest non-performance, inappropriate comments, persistent complaints and non-verbal communication expressions of dissatisfaction (i.e., eye rolling, sighing, etc.). Employers dealing with employees who have a negative and disruptive attitude often consider dismissal for insubordination and insolence. What exactly are those two concepts?

They often go hand in hand, but are not the same

As noted by the New Brunswick Court of Appeal in *Henry v. Foxco Ltd.* ([trial](#) and [appeal](#)), courts (and employers) tend to use the terms "insolence" and "insubordination" interchangeably, even though they're distinct categories of misconduct. Insolence refers to derisive, abusive or contemptuous language, generally directed at a superior. Insubordination refers to the intentional refusal to obey an employer's lawful and reasonable orders. While insolence can amount to insubordination, the two terms aren't synonymous, but the two types of behaviour often occur together.

In *Foxco*, the plaintiff employee was dismissed for one incident of misconduct. He was a repair technician and had been instructed to remove decals from two vehicles. A supervisor questioned the employee about the length of time it took him to perform his work and his choice of tools. The employee responded, in the presence of co-workers, by yelling profanities and challenging the employer to fire him. The employer suggested that the employee go home to cool off but the employee refused. He was terminated and sued for wrongful dismissal. The trial judge found that the employer had established just cause and dismissed the action. The employee appealed the decision.

On appeal, the court found that the employee had been wrongfully dismissed. The court, however, was divided in how to characterize the plaintiff's behaviour. Justice Larlee decided that the employee's use of profanities amounted to insolence and his refusal to go home amounted to insubordination. However, this single incident wasn't so severe that it would destroy the employer-employee relationship given the employee's tenure (7 and a half years) and positive employment performance in the past.

Justice Robertson found that the misconduct was insolence, but not insubordination. Given that insolence is deemed less serious than insubordination, the misconduct did not justify summary dismissal. Justice Robertson stated that a single incident of insolence will amount to just cause for dismissal in one of three circumstances:

- The employee and superior are no longer able to maintain a working relationship;
- The incident destabilizes the supervisor's credibility in the workplace and, thus, his or her ability to properly supervise; or
- As a result of the incident the employer suffered a material financial loss, loss of reputation, or its business interests were seriously prejudiced.

As in all discipline cases, the court considers mitigating factors, such as the employee's work history and employment record.

Case law indicates certain trends in cases of insubordination or insolence:

1. The range of conduct that can constitute insubordination is broad. It generally relates to performance of some aspect of the employee's job but may also include a refusal not directly concerning a work assignment;
2. Insolence can amount to insubordination where the insolent behaviour, exclusive of any refusal to comply with orders, involves resisting and/or defying an employer's authority;
3. Generally, two or more instances of insolence or insubordination are required for cause;
4. However, the gravity of the offence (whether insolence or insubordination) must be examined;
5. If the employee has a reasonable excuse, such as provocation, the conduct may be excused; and
6. Other relevant circumstances, such as generally tolerated language and behaviour in the workplace, can mitigate the severity of the misconduct.

Determining whether insolent or insubordinate conduct amounts to just cause for dismissal is challenging for both employers and courts. In making a decision to dismiss or impose other, less severe sanctions, employers must carefully consider the facts and circumstances of the individual case: the number of instances of misconduct, the gravity of the offence, whether there was a reasonable excuse for the employee's conduct or other mitigating factors and whether the employer's authority was challenged. Generally, disciplinary sanctions other than dismissal will be required. However, in exceptional cases or in the presence of repeated misconduct, the employee's insubordination or insolence may amount to cause for dismissal.

What's an employer to do?

Where an employer can establish that an employee has been insubordinate, insolent or both, it's appropriate to impose discipline. Insubordination is one of the most serious industrial offences, as it affects the employer's right to manage. The right to order employees to carry out work without extended debate and without a loss of respect is central to the role of management. Nonetheless, in all disciplinary matters, employers must apply progressive discipline where indicated and impose the appropriate penalty given the severity of the misconduct and whether mitigating factors are present.

Disciplinary sanctions have generally not been found to be appropriate where an obscene or abusive outburst towards the employer can be characterized as a momentary flare-up of temper that doesn't challenge the employer's authority. Minor disciplinary sanctions have been deemed appropriate where the employee's language and conduct isn't particularly disruptive, insulting or contemptuous of management. More severe discipline, including discharge, has been supported where insolent language has been used in conjunction with either a refusal to follow an employer's instructions or where it has been accompanied by threats or assault.

EXHIBIT 10



Spokane Police Department
Internal Affairs



IA Additional

IA Number: C21-066
Incident Number: NA
Date: 9/28/2021
Investigator: Sgt. J. Uberuaga #606

Synopsis:

On 09/28/21 Cpl. Chris Conrath replied to an all-police email that was sent by Patrol Captain Meidl. The email was reminding officers and supervisors to check the "Self-insured" box on collision reports when any city vehicle is involved. Cpl. Conrath seems to take offense to the email as he responds to "All police" outlining it was he who had caused this email from the Captain. Cpl. Conrath's email appears to have been sent with some irritation towards the All Police email.

Complaint Being Investigated:

Policy 340.3.5(D): Insubordination – To constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.

Policy 212.3: Prohibited use of email – Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated.

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all. Personal advertisements are not acceptable.

Individuals Interviewed and Relationship to Investigation:

Cpl. Chris Conrath

Physical Evidence:

Emails

Investigation:

I was assigned this case on 9/28/21 by Director MacConnell. That same day, I interviewed Cpl. Conrath after reviewing the email chain in question.

Investigative Summary

Cpl. Conrath's interview:

I asked Cpl. Conrath if the email that he received from Captain Meidl, specifically addressed him in any way. After some confusion that was cleared up, he said "no." He did tell me that he was sent several emails this day that were addressed specifically to him. He said that he felt that there were seven emails sent to him that referenced this issue on this day.

I asked Cpl. Conrath if he felt he was the only officer that had made the mistake that Captain Meidl was referring to in her email. He said, *"I'm not sure how to answer that. This is a mistake that occurs regularly. In this particular case, there was a patrol officer who completed a collision report, made a clerical error and I then approved the report, failing to notice that clerical error and I approved it. Thus, causing this chain of events."*

I then asked Cpl. Conrath what his purpose was in writing the email. He said, *"To address the issue that occurred. To take responsibility for it and to genuinely apologize to my coworkers for receiving yet another all-police email for a matter that really involved just me and perhaps this other patrol officer. It was my mistake."*

I then clarified that the purpose was to apologize to the entire police force and not just Captain Meidl? He said, *"which I believe Tracie is a part of."*

I then asked if he ever thought to just send Captain Meidl an apology. Cpl. Conrath said, *"To be perfectly honest, I didn't put a significant amount of thought into it. I...I hit the reply button and I typed my reply. I...I didn't consider the ramifications of sending it to everybody verses just Captain Meidl. I never would've thought that it...this would be the issue that it has become. I meant to take responsibility for it, acknowledge that I had worked a double shift and I was exhausted, and I was working by myself and it's perhaps a bit of an excuse and I'm sorry...and perhaps to minimize the...the work I'm looking for. Maybe the importance of...of...of the quote "self-insured" box on a collision report when considering the job that we're doing today. I'm working night shift. I worked a very long shift out in the rain and I...and I messed up on a collision report and so I'm saying I'm sorry. I'm sorry to you guys that you have to get an email about something that I...that I messed up on. That was my intent on sending what I sent. I didn't think that it would be construed as so offensive to whomever has the issue here."*

I asked Cpl. Conrath if he felt his reply all email was an appropriate use of department email. He said, *"Sitting here now? Clearly not, but that's the only means of which I had to communicate with all of my coworkers simultaneously, so this is something I obviously would not do again. I don't believe to date that I've ever sent an all-police email. Oh, maybe I have when I was looking for a piece of lost equipment. So no, this is...I wouldn't ever select all police for an email again."*

I asked if he could explain to me why his email should not be interpreted as disrespectful or antagonistic towards Captain Meidl. Cpl. Conrath said, *"Well since being advised of this internal affairs investigation about fifteen minutes ago, I've read the email one time since then and I...I'm trying to find an area within the email that it's problematic and I...I seem to be acknowledging responsibility for the mistake, apologizing to everyone, acknowledging that I've received multiple communication reference this same matter and it...I'll...I'm motivated to come in and do a better job then I continued with I worked a really long night and I made a mistake and I said I'm sorry again. So I'm sorry, I kind of lost track of the initial questions."*

I then asked him about the last sentence in the email where he writes, "rest assured, I am now sufficiently motivated to come into work tonight and do a better job for you." I asked him if he felt that could have been taken as sarcastic or disrespectful. Cpl. Conrath said, *"I think that's a little subjective. Anything a person says could be construed as...as sarcastic. The honest truth is of all the...of all the responsibilities I have on a given night, traffic collision reports are...are low level priority and I do a lot of them. So I...I fly through them quickly and don't spend a lot of time on them and I make a mistake in...in my hast to go through the, you know probably fifty that I did last night. So I need to spend more time on it. I don't want to be in a situation again. I don't want to receive these emails to all of my coworkers for something that I did wrong. I...I'm trying to acknowledge that I'm going to spend more time on this and do a better job in approving collision reports. I didn't mean for that to be snarky or offensive or whatever term we're trying to use here. I can see how...clearly, someone did not like it. I can see how that...that is possible."*

Lt. Cowles then asked Cpl. Conrath, if he heard Cpl. Conrath correctly that, "I didn't consider all of the ramifications when you sent the email." Cpl. Conrath said that he felt that is almost verbatim what he had said. Lt. Cowles then asked if he believed he was hasty in sending the email. Cpl. Conrath said, *"Absolutely. I wish I had not sent the email."*

Lt. Cowles then asked if the email was sent out of frustration. Cpl. Conrath replied, *"I wouldn't necessarily say that. Perhaps there was an element to frustration, more fatigue, I think would be a better word that I would use. I wanted to...let me...let me rephrase. As everyone in the room knows, have...having been a cop for a long time. If...if everybody you work with takes heat for your mistake, you don't like that. You shouldn't like that, 'cause we take pride in what we do and I don't want people to suffer for my errors. I wanted to address that and so I sent an email response trying to accept responsibility for it. It was me, I'm sorry guys. That was my intent. Was it hasty? Was it perhaps poor judgement? Should I never have done it? Yes, Yes. And yes. So, sure it was hasty."*

Police Ombudsman Bart Logue asked Cpl. Conrath if it was his intent to be disrespectful to Captain Meidl. He said, *"No, it was not."* He then asked Cpl. Conrath if there was a policy or directive that he was aware of considering when officers are allowed to send all police emails. Cpl. Conrath replied, *"I'm sure that there is, I'm not aware of it."*

Officer Honaker asked Cpl. Conrath if he would classify his response as having a direct conversation with Captain Meidl. Cpl. Conrath replied, *"No, the first line in my email was all of you. So no, I was trying to address my coworkers, not just Captain Meidl."* He then asked why Cpl. Conrath had a 15 hour shift. He replied, *"Were in the middle of SWAT week. Most of our graveyard corporals happen to be on the SWAT team and there was no coverage for graveyard shift, so I have to work my own shift and graveyard shift."*

Officer Honaker then asked Cpl. Conrath what time he got off shift and then what time he got to sleep. Cpl. Conrath said that he got off shift at 0640 and got to bed about 0730. Cpl. Conrath then confirmed that he woke up and observed the email sent by Captain Meidl around 1415 hours.

There was some discussion between Officer Honaker, Detective Dunkin and Cpl. Conrath as to how many emails he received this day on the matter. Cpl. Conrath later sends me the email that he received on the matter that day. It appears that there are 7 emails sent, some were sent by Officer Yen to others appearing to solve a problem.

Officer Honaker then asks Cpl. Conrath if he felt embarrassed because he feels that he caused the email to all police from Captain Meidl. Cpl. Conrath says, *"I made an error and it's my job to catch those mistakes and I did not."* Officer Honaker then asks Cpl. Conrath about some of the new information in the emails and if he noticed it. Cpl. Conrath said that he did notice it. He then asked if he had ever seen that information before. Cpl. Conrath said, *"Well that's the new thing, every car is supposed to have an insurance card and it lists an insurance company."* *"That's always been confusing and it's an error that I often times do catch, but I think taking the decision here to correct the problem by taking the cards out of the vehicles all together is a good one. So I think..."* Officer Honaker then asked if he feels that everyone will now remember to check the self-insured box after this. Cpl. Conrath said, *"I feel that it is highly unlikely that the self-insured box is not noted in the future. I think that's gonna be probably the most accurate portion of a collision report moving forward."*

Detective Dunkin then asked a few questions, he first asked if all police email came after the one that he was directly included in. Cpl. Conrath said, *"Correct."* He then asked, *"Correct. So then Captain Meidl sends out an email to everyone specifically about this topic that you know you had just made an error on and in this email she's expressing some frustration in exasperation where she starts in with 'once again, I am sending out a reminder' and she specifically notes in there that it is errors that supervisors aren't catching. So having just received these five, six, seven email and then you get this one from her where she frustrated and calling out supervisors. Did it feel as though her email was being sent out because of this error that you had just made?"* Cpl. Conrath said, *"Absolutely. Corporal is the...I would say the highest-level supervisor that approves collision reports."*

Detective Dunkin asked if he ever referenced Captain Meidl in his email, he said, *"No, I did not."* Detective Dunkin then states, *"you knew that you had made an error that caused her to send a frustrated email to everyone. You were the cause of her frustration and everyone got this email. Did you feel bad that everyone was now getting this email because of your error?"* Cpl. Conrath said, *"That was my mindset at the time, yes."*

Detective Dunkin asked Cpl. Conrath if the intent of his email was to be rude or disrespectful or was it to apologize to everyone, especially Captain Meidl because she was clearly frustrated. Cpl. Conrath said, *"My...I apologized several times in my email. That was my intent to apologize, that's why I wrote the email."*

Detective Dunkin then asked if anywhere in Captain Meidl's email did she give him a direct order that he rebuffed. Cpl. Conrath said, *"I think quite the opposite. I reaffirmed the fact that I would do a better job of doing this correctly in the future."*

Lt. Cowles then had a few more questions. He first asked Cpl. Conrath if he was the only corporal that was working over the weekend. Cpl. Conrath did not understand the question, so Lt. Cowles

asked it another way. He said, "Was I the only corporal working the weekend...and she says, "once again, I am sending out a reminder", which infers that there was a previous email, whatever that email was she sent out a reminder. Has he been the only corporal who's been approving reports since the previous email to this email?" Corporal Conrath said, "*at the time...lots of corporals work...Over the last several months.*" "So yeah, last night I was the only corporal working from the time that...Sing shift logged off until the end of graveyard shift."

Lt. Cowles asked, that aside from timing, what was it specifically that he felt the need to take all the responsibility of the email. Cpl. Conrath said, "*The email exchange of...of seven ish emails back and forth immediately before this all-police email addressing that specific matter. I...I surmised that it was because of that issues and the time and investment that everyone had to put into correctly this error.*"

Lt. Cowles then asked about Cpl. Conrath referencing this being a trivial matter. He continued by quoting his email, "I can only imagine the difficulty this error has caused some of you to include risk management personnel." Lt. Cowles asked what effect he felt that it had on other people. Cpl. Conrath said, "*I believe one of the Captain's email referenced the frustration that risk management was having to deal with in...or to correct these matters. In addition to the fact that then they notified the Captain who notifies every police officer in the department, etcetera and so forth. So I...I referred...that is the difficulty that I was referring to.*"

Lt. Cowles then asks if in his apology it is important for his fellow officers to know that he has received six or seven emails about his repeated failures to supervise. Cpl. Conrath said, "*Perhaps it is, perhaps it is not. I...I'm merely addressing the fact that this matter has been addressed thoroughly. The message has been received and I will do a better job.*"

Officer Honaker then asked about an email or multiple emails from risk management. Cpl. Conrath makes multiple statements from this comment. Cpl. Conrath, "*It...it's from an individual who I don't know if they're from risk management or if their claims adjuster or if they work for the city, I don't know who it is, but that's...I believe where this was initiated was this individual pointing out a problem with one or our collision reports.*" He then continues, "*And in a...and ...excuse me for one moment. In Captain Meidl's email to everybody it says 'I've been addressing these errors as they've com in, but our claims adjuster is understandably frustrated with the errors that occur and the supervisors aren't catching them upon their review.' So that's addressing the claims adjusters' frustration and the fact that the supervisors, i.e. me, are falling short in their...in our duty.*" "I...I...I may have used the word trivial when I referred to the self-insured box on a collision report, but that said it's important. It's one of my responsibilities. I'm gonna approve a whole bunch of collision reports tonight. It's important, so I...but yes, I have...a lot of hats that I have to wear at a given night and when compared to, I guess life and death situations, yeah it ranks pretty low." "That said, I do acknowledge the importance of doing a collision report correctly."

Officer Honaker then said, "Trivial in compared to maybe supervising an ongoing crime scene or ongoing collision scene, but not, you know trivial in the fact that It doesn't matter. It's just lower priority verses active crime scene, active things on the street." Cpl. Conrath said, "Yes. Yes. It's absolutely my job. It's my responsibility and I...I need to do better."

The interview concluded at 1651 hours.

Investigative Summary

I was assigned this case on 9/28/21 by Director MacConnell after the email from Cpl. Conrath had been sent earlier that day. I immediately interviewed Cpl. Conrath that evening prior to him going on shift.

On 9/28/21, Captain Meidl had sent an all-police email addressing mistakes that had been reoccurring reference a self-insured box on accident forms not being checked. The email further addressed supervisors not catching the mistake in their review of the collision reports.

Cpl. Conrath had worked the night before and approved the collision report that Officer Yen completed. Officer Yen did not check the Self-insured box on a collision that involved a City of Spokane vehicle. Cpl. Conrath then approved the report, not catching the error. The error caused an email chain that involved several people. Officer Yen, Cpl. Conrath, Sgt. Yamada, a claims adjuster from the city of Spokane and then Captain Meidl were the individuals where were actively sending, forwarding and receiving the emails.

Cpl. Conrath said that after a long night of work, he woke up and saw that he had about seven emails regarding the error. Cpl. Conrath admitted fault by not catching the error and decided to reply to all police in an email response. Cpl. Conrath contends that his email was an apology not only to Captain Meidl but to all who had received the email she sent. He felt bad that all his co-workers received the email that his mistake caused.

In answering what his intent was in sending the email, Cpl. Conrath specifically says, "*To address the issue that occurred. To take responsibility for it and to genuinely apologize to my coworkers for receiving yet another all-police email for a matter that really involved just me and perhaps this other patrol officer. It was my mistake.*" Cpl. Conrath suggests that Captain Meidl is in the all-police email chain therefore she would have received the apology.

During his interview, Cpl. Conrath advises that he was having a hard time seeing anywhere in his email that was problematic. He does not believe that his email should have been taken as being disrespectful or antagonistic and states that he was being genuine in his apology, although admitting to the email being hasty. He also contends that he was being genuine when he stated in the email that he was motivated to come into work that night.

Cpl. Conrath acknowledges the importance of all his duties as a corporal but does admit that this particular issue was somewhat trivial considering all of his duties on a nightly basis. Cpl. Conrath was the only corporal working on power shift and graveyard that evening. He did begin his shift at 1600 and ended it at 0640, which is 4 hours later than he would normally be securing.

Cpl. Conrath admits to not putting much thought into replying by email to the entire commissioned police force. Looking back now he realizes that was probably not something that was appropriate.

He also admits that sending an all-police email on an issue such as this was not appropriate and not an appropriate use of department email.

Cpl. Conrath does not believe that he was being insubordinate to Captain Meidl by sending the email. He says that no where in the Captain's email was there a direct order that he disobeyed. He states that he was doing quite the opposite in taking responsibility for the issue.

I am submitting this case for an Administrative Review Panel for potential policy violations 212.3 Prohibited Use of Email and 340.3.4 (D) Disobedience or insubordination.

Sgt. J. Uberuaga IA

EXHIBIT 11



SPOKANE POLICE DEPARTMENT



MEMORANDUM

CONFIDENTIAL – ADMINISTRATIVE REVIEW PANEL

I.A. # C21-066

Incident # N/A

COMPLAINT: 1) Policy 340.3.5(D): Insubordination – To constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.

2) Policy 212.3: Prohibited use of email – Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated.

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all. Personal advertisements are not acceptable.

COMPLAINANT: Major Olson

OCCURRED: 9/28/2021

LOCATION: 1100 W. Mallon

EMPLOYEE: Corporal C. Conrath #1106

On 12/09/21, an Administrative Review Panel was held to discuss this case. Present were:

Captain Griffiths

Lieutenant Waters

Lieutenant Arnzen

Lieutenant Meyer

Lieutenant Boothe

COMPLAINT On 09/28/21 Cpl. Chris Conrath replied to an all-police email that was sent by Patrol Captain Meidl. The email was reminding officers and supervisors to check the “Self-insured” box on collision reports when any city vehicle is involved. Cpl. Conrath seems to take offense to the email as he responds to “All police” outlining it was he who had caused this email from the Captain. Cpl. Conrath’s email appears to have been sent with some irritation towards the All Police email.

FACT PATTERN

On 9/28/21 IA staff was assigned to look into a matter by Director MacConnell after the email from Cpl. Conrath had been sent earlier that day. Sgt. Uberauga immediately interviewed Cpl. Conrath that evening prior to him going on shift.

On 9/28/21, Captain Meidl had sent an all-police email addressing mistakes that had been reoccurring reference a self-insured box on accident forms not being checked. The email further addressed supervisors not catching the mistake in their review of the collision reports.

Cpl. Conrath had worked the night before and approved the collision report that Officer Yen completed. Officer Yen did not check the Self-insured box on a collision that involved a City of Spokane vehicle. Cpl. Conrath then approved the report, not catching the error. The error caused an email chain that involved several people. Officer Yen, Cpl. Conrath, Sgt. Yamada, a claims adjuster from the city of Spokane and then Captain Meidl were the individuals where were actively sending, forwarding and receiving the emails.

Cpl. Conrath said that after a long night of work, he woke up and saw that he had about seven emails regarding the error. Cpl. Conrath admitted fault by not catching the error and decided to reply to all police in an email response. Cpl. Conrath contends that his email was an apology not only to Captain Meidl but to all who had received the email she sent. He felt bad that all his co-workers received the email that his mistake caused.

In answering what his intent was in sending the email, Cpl. Conrath specifically says, *"To address the issue that occurred. To take responsibility for it and to genuinely apologize to my coworkers for receiving yet another all-police email for a matter that really involved just me and perhaps this other patrol officer. It was my mistake."* Cpl. Conrath suggests that Captain Meidl is in the all-police email chain therefore she would have received the apology.

During his interview, Cpl. Conrath advises that he was having a hard time seeing anywhere in his email that was problematic. He does not believe that his email should have been taken as being disrespectful or antagonistic and states that he was being genuine in his apology, although admitting to the email being hasty. He also contends that he was being genuine when he stated in the email that he was motivated to come into work that night.

Cpl. Conrath acknowledges the importance of all his duties as a corporal but does admit that this particular issue was somewhat trivial considering all of his duties on a nightly basis. Cpl. Conrath was the only corporal working on power shift and graveyard that evening. He did begin his shift at 1600 and ended it at 0640, which is 4 hours later than he would normally be securing.

Cpl. Conrath admits to not putting much thought into replying by email to the entire commissioned police force. Looking back now he realizes that was probably not something that was appropriate. He also admits that sending an all-police email on an issue such as this was not appropriate and not an appropriate use of department email.

Cpl. Conrath does not believe that he was being insubordinate to Captain Meidl by sending the email. He says that nowhere in the Captain's email was there a direct order that he disobeyed. He states that he was doing quite the opposite in taking responsibility for the issue.

ANALYSIS

Policy 340.3.5(D): Insubordination – To constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.

In a review of policy and in the facts of this investigation Cpl. Conrath did not directly disobey a direct order when replying to Captain Meidl's email. However we feel that the context of his "Apology email" was condescending and would amount to Insolence.

Insolence is defined as acts or behaviors that are extremely disrespectful to a boss. They often go hand in hand, but are not the same

As noted by the New Brunswick Court of Appeal in *Henry v. Foxco Ltd.* (trial and appeal), courts (and employers) tend to use the terms "insolence" and "insubordination" interchangeably, even though they're distinct categories of misconduct. Insolence refers to derisive, abusive or contemptuous language, generally directed at a superior. Insubordination refers to the intentional refusal to obey an employer's lawful and reasonable orders. While insolence can amount to insubordination, the two terms aren't synonymous, but the two types of behavior often occur together.

Insolence when left unchecked, insolence in the workplace has the potential to disrupt the work environment and to hurt morale, which can lead to the erosion of good order and discipline of an organization. Everyone in a work environment plays a role in dealing with this type of combative, argumentative behavior, which is characterized by willful non-compliance in following job-appropriate directives that an employer has issued.

Policy 212.3: Prohibited use of email – Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated.

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all. Personal advertisements are not acceptable.

In reviewing the transcripts of this investigation Cpl Conrath self admits that sending the "All Police" email was in poor judgment.

Excerpt of transcript (Lt. Cowles then asked if the email was sent out of frustration. Cpl. Conrath replied, *"I wouldn't necessarily say that. Perhaps there was an element to frustration, more fatigue. I think would be a better word that I would use. I wanted to...let me...let me rephrase. As everyone in the room knows, have...having been a cop for a long time. If...if everybody you work with takes heat for your mistake, you don't like that. You shouldn't like that, 'cause we take pride in what we do and I don't want people to suffer for my errors. I wanted to address that and so I sent an email response trying to accept responsibility for it. It was me, I'm sorry guys. That was my intent. Was it hasty? Was it perhaps poor judgement? Should I never have done it? Yes, Yes. And yes. So, sure it was hasty."*

CONCLUSION

Cpl. Conrath stated that he was fatigued when he "replied all" to the email sent by Captain Meidl and (various other supervisors) to send his apology. He claims to have reviewed 50 collisions this night in particular however a look into the sector shows that it was about 32 most of which took less than a minute to approve. Although this may seem like a trivial task the job of law enforcement is that of attention to detail. And as an acting supervisor and/or approving authority of sector collisions attention to detail should be the standard when doing your job.

Cpl. Conrath stated in his interview that this was "poor judgment" in sending an All Police email. We concur that this is an example of Cpl. Conrath demonstrating poor judgement. It is apparent and consistent amongst the members of this ARP that Corporal Conrath did indeed intend to be sarcastic in his e-mail and that he failed to take any ownership of this incident. It could be further examined through the lens of reasonableness, that if another officer with the same time, training and authority act or perceive of the actions, that Corporal Conrath e-mail was, and intended to be, sarcastic. Corporal Conrath's denials, evasiveness and blame shifting is disappointing and concerning.

FINDING

As to the allegation of

1) **Policy 340.3.5(D):** Insubordination – To constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority. **Exonerated**

2) **Policy 212.3:** Prohibited use of email – Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated. **SUSTAINED.**

R. Meyer #607 12/09/21 M. Griffiths 12-09-21
Lieutenant Meyer, Author Date Captain Griffiths Date

[Signature] 095 12/09/21 [Signature] 409 120921
Lieutenant Arnzen Date Lieutenant Boothe Date

[Signature] 12/09/2021
Lieutenant Waters Date

EXHIBIT 12



SPOKANE POLICE DIVISION
CHIEF OF POLICE
CRAIG N. MEIDL

Internal Affairs Investigation
Case Finding Notice

To: Corporal Chris Conrath
From: Justin Lundgren, Assistant Chief of Police

Date: March 24th, 2022
I.A. #: C21-066

An internal investigation has been conducted concerning certain allegations of misconduct. These allegations stem from an incident that occurred on:

Date/Time: September 28th, 2021
Complainant: Major Olsen

Location: N/A
Case/Citation #: N/A

Complaint: Allegation 1: Policy 340.3.5(D) Disobedience or Insubordination
Allegation 2: Policy 212.3 Prohibited Use of Email

Investigator: Sgt. Uberuaga

Finding:
Allegation 1:
Sustained

Finding:
Allegation 2:
Sustained

Sanction: Letter of Reprimand


Justin Lundgren
Assistant Chief of Police

This case file will be maintained in the Internal Affairs files and available for your review. You are encouraged to contact Internal Affairs to review the file. In the event of an "Improper Conduct" finding, a copy of any disciplinary report will become a part of your personnel file.



EXHIBIT 13



SPOKANE POLICE DEPARTMENT
CHIEF OF POLICE
CRAIG N. MEIDL

TO: Cpl. Chris Conrath
FROM: A/C J. Lundgren
RE: Complaint C21-066
Letter of Reprimand
DATE: March 24th, 2022

Allegation (1) Policy 340.3.5(D) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority

Allegation (2) Policy 212.3 Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated. Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all. Personal advertisements are not acceptable.

Summary of Incident

On September 28th, 2021, a claims adjuster who works on behalf of the City of Spokane contacted Captain Meidl regarding an issue related to city-owned vehicle collisions. The adjuster noted, "We have been battling these report errors now for almost a year. Frankly, this is getting exhausting and I don't know how these errors get passed (sic.) the reviewing/supervising officer that signs off on these reports. Any assistance you can provide in getting this corrected would be appreciated." By way of background, the City of Spokane is self-insured and also carries an insurance policy to protect against liability that exceeds the self-insurance limit. Officers are required to enter "self-insured" for any state collision form that involves a city vehicle.

That same day, Captain Meidl sent a one paragraph email to All Police Commissioned reminding commissioned staff of the proper way to document the self-insured status of the city when completing state collision forms. Captain Meidl noted, "I have been addressing these errors as they have come in, but our claims adjuster is understandably frustrated when the errors occur and supervisors aren't catching them either. Thank you." This email did not mention you or provide any information that would identify the incident you had approved.

Sgt. Yamada sent two related emails to all SPD Corporals.

Captain Meidl then forwarded the report that the claims adjuster to you and the Officer (with the chain of command cc'd) who had written the report with a two sentence message. "A reminder that any City of Spokane vehicle involved in a collision is "self-insured" and the insurance information is NOT placed on the State Collision Report. Please let me know if you have any questions." The involved officer replied to this email with a question and Captain Meidl answered that question. You were cc'd on those two messages.

You chose to reply to the All Police Commissioned message by Captain Meidl. Your email was the second email that this email group would receive related to this issue. Unlike Captain Meidl's email that



supplied valuable information, your email contained sarcastic remarks purporting to be an apology. Your email, sent to about 385 people, focused on how you were the sole Corporal working that night, how you had to work 15 hours, and that you had received six emails today to "remind (you) of (your) repeated failures to supervise." You also state, "Rest assured, I am now sufficiently motivated to come in to work tonight and do a better job for you."

Finding

In order to send an email to the entire department it must be for an official business related item that is of particular interest to all. Your email failed to reach this threshold. You were clearly frustrated by the situation.

Your response to Captain Meidl's email was disrespectful. The fact that this unprovoked and unprofessional message directed at Captain Meidl also was sent to the entire department which demonstrated a lack of judgement and maturity. I find that both allegations are sustained.

I hope that you have learned from this unfortunate incident and utilize this as a growth opportunity.

Any similar incidents will be subject to progressive discipline, up to and including termination.



J. Lundgren



EXHIBIT 14

Spokane Police Department S.P.D. Internal Complaint Report

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
09/28/2021	09/28/2021	14:15
Record ID Number	Incident No	IA No
11362		C21-066
Date/Time Entered	Entered By	
09/28/2021 14:55	Sergeant Jason Uberuaga	
SpokanePD Assigned Investigator	IAPro Assigned Investigator	
Lieutenant John Everly	Sergeant Jason Uberuaga	

Incident Summary

On 9/28/21 Cpl. Chris Conrath replied to an email that was sent to all police by Captain Meidl reference checking the "self insured" box on accidents that all city vehicles are involved in. Cpl. Conrath's reply was to all commissioned police and it was titled "I'm sorry." The email appears to use some definite sarcasm and makes mention of officers working long shifts with limited personnel. He also makes a comment about being motivated to come into work tonight and do a better job.

Both allegations in this case were found to be sustained per Assistant Chief Lundgren 03/24/2022.

Incident Location

Addresses

1100 Mallon AV W, Spokane, WA, 99260
Northwest

- Location of Occurrence: Spokane County

Incident Employees

Corporal Christopher Conrath

Assignment at time of incident: Corporal Chief of Police/Operations/Patrol/Power Shift/Team 9 TAC **Video Footage:** Not Applicable

Role: Primary

Linked Allegations

- Insubordination - Sustained - 03/24/2022
- Computer Misuse/Violation - Sustained - 03/24/2022

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Types
03/24/2022	Finding Letter	pdf
11/03/2021	Notice to Personnel Conrath	pdf
11/03/2021	Email response Conrath	pdf
03/24/2022	Letter of Reprimand	pdf
11/03/2021	Admin Rights	pdf
11/03/2021	6 Elements of an Effective Apology	html
10/11/2021	Interview Transcript Conrath	pdf
11/15/2021	Conrath C21-066	mp3
11/15/2021	Case Summary Sgt Uberuaga	docx
11/03/2021	Emails Conrath	pdf
12/09/2021	Insolence Definition	docx
12/09/2021	ARP Review	pdf

Assignment History

Date/Time Sent	From	To	Activity
10/14/2021 14:10	Lie M Cowles		Field status changed in IAPro from In chain to Released
10/14/2021 14:10	Lie M Cowles		Released back to IAPro
10/14/2021 14:11	Lie M Cowles		Field status changed in IAPro from Released to Field assigned
10/14/2021 14:11	Lie M Cowles	Sergeant Jason Uberuaga	IAPro assigned
12/14/2021 11:32	Lie M Cowles		Field assigned
03/28/2022 15:47	Ms M Reiner		Field status changed In IAPro from Completed - in holding bin to Released
03/29/2022 09:07	Ms M Reiner		Field status changed in IAPro from Released to Field assigned
03/29/2022 09:07	Ms M Reiner	Lieutenant John Everly	IAPro assigned

Chain of Command History

Routing Number: 1

From

Sergeant Jason Uberuaga

To

Lieutenant Matthew Cowles

Cc:

Date/Time Sent

10/13/2021 08:27

Instructions From [Sergeant Jason Uberuaga] To [Lieutenant Matthew Cowles]

Could you review and assign this to me please.

Comments/Response From [Lieutenant Matthew Cowles]

Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user Lieutenant Matthew Cowles

Routing Number: 2

From Lieutenant Matthew Cowles
To Sergeant Jason Uberuaga
Cc:
Date/Time Sent 10/14/2021 14:11

Instructions From [Lieutenant Matthew Cowles] To [Sergeant Jason Uberuaga]

For investigation

Comments/Response From [Sergeant Jason Uberuaga]

Completion notes: For your review.

Routing Number: 3

From Sergeant Jason Uberuaga
To Lieutenant Matthew Cowles
Cc:
Date/Time Sent 11/15/2021 09:37

Instructions From [Sergeant Jason Uberuaga] To [Lieutenant Matthew Cowles]

For your review.

Comments/Response From [Lieutenant Matthew Cowles]

Bart,
Attached is an investigation for your review. As Cpl. Conrath's chain of command is involved in the complaint, this will be sent to ARP for review.
Please let me know if there are any questions.
V/r

Matt

Routing Number: 4

From Lieutenant Matthew Cowles
To Ombudsman Bart Logue
Cc: Ombuds Asst Luvimae Omana
Date/Time Sent 11/17/2021 08:31

Instructions From [Lieutenant Matthew Cowles] To [Ombudsman Bart Logue]

Bart,
Attached is an investigation for your review. As Cpl. Conrath's chain of command is involved in the complaint, this will be sent to ARP for review.
Please let me know if there are any questions.
V/r

Matt

Comments/Response From [Ombudsman Bart Logue]

The Internal Affairs investigative summary covers all aspects of the allegations, and the attachments are appropriate for the investigation.

Therefore I, Bart Logue, have reviewed the completed preliminary investigation to arrive at a classification decision and determined that it was completed through a timely, thorough, and objective process.

Bart Logue, Police Ombudsman, City of Spokane. (509) 625-6742

Routing Number: 5

From Ombudsman Bart Logue
To Lieutenant Matthew Cowles
Cc:
Date/Time Sent 11/23/2021 16:34

Instructions From [Ombudsman Bart Logue] To [Lieutenant Matthew Cowles]

Forwarded, thank you.

Comments/Response From [Lieutenant Matthew Cowles]

[Forwarded by Lieutenant Matthew Cowles]

Routing Number: 6

From Lieutenant
Matthew
Cowles
To Captain Mark
Griffiths
Cc: Lieutenant
Daniel Waters
Major Michael
McNab
Chief Craig
Meidl
Asst Chief
Justin
Lundgren
Lieutenant Alan
Arnzen
Lieutenant
Richard Meyer
Major Eric
Olsen
Lieutenant
Robert Boothe
Director
Jacquelyn
MacConnell

Date/Time Sent

11/30/2021
07:20

Instructions From [Lieutenant Matthew Cowles] To [Captain Mark Griffiths]

Captain,

Your ARP pod is being assigned the attached investigation for your review and recommendations. I will be sending an email with additional information, and attaching files for your review in your ARP Pod's 'working folder' on the H drive.

Please have the investigation completed and returned to me by 12/21/21.

We are happy to help with any questions you may have.

Very Respectfully,

Matt

Comments/Response From [Captain Mark Griffiths]

ARP is attached. Hardcopy has been sent through department mail.

Capt. Griffiths #350

Routing Number: 7

From

Captain
Mark
Griffiths

To

Lieutenant
Matthew
Cowles

Cc:

Date/Time Sent

12/09/2021
16:00

Instructions From [Captain Mark Griffiths] To [Lieutenant Matthew Cowles]

ARP is complete. Hardcopy has been sent through department mail.

Captain Griffiths #350

Comments/Response From [Lieutenant Matthew Cowles]

Chief,

The ARP Pod has completed their review and come to the following findings regarding the investigation into misconduct by Cpl. Conrath. Regarding the Allegations Insubordination (340.3.5.d) : EXONERATED. Regarding the Allegation Prohibited Email Use (212.3): SUSTAINED.

Please let me know if you have any questions.

Very Respectfully,

Matt

Routing Number: 8

From

Lieutenant
Matthew
Cowles

To

Chief Craig
Meidl

Cc:

Asst Chief
Justin
Lundgren
Director
Jacquelyn
MacConnell
Major Eric
Olsen
Sergeant
Jason
Uberuaga
Major
Michael
McNab

Date/Time Sent

12/10/2021
09:42

Instructions From [Lieutenant Matthew Cowles] To [Chief Craig Meidl]

Chief,
The ARP Pod has completed their review and come to the following findings regarding the investigation into misconduct by Cpl. Conrath. Regarding the Allegations Insubordination (340.3.5.d) : EXONERATED. Regarding the Allegation Prohibited Email Use (212.3): SUSTAINED.
Please let me know if you have any questions.
Very Respectfully,
Matt

Comments/Response From [Chief Craig Meidl]

Incident routing was closed out by IAPro user Lieutenant Matthew Cowles and the incident was re-routed to Asst Chief Justin C Lundgren [532]

Routing Number: 9

From

Lieutenant Matthew Cowles

To

Asst Chief Justin Lundgren

Cc:

Date/Time Sent

12/14/2021 11:32

Instructions From [Lieutenant Matthew Cowles] To [Asst Chief Justin Lundgren]

AC,
Chief Meidl has asked that you review this Blue Team.
Please let me know if you have any questions
V/r
Matt

Comments/Response From [Asst Chief Justin Lundgren]

Corporal Chris Conrath
Allegation (1): Policy 340.3.5(D) Disobedience or Insubordination
Finding (1): Sustained
Allegation (2): Policy 212.3 Prohibited Use of Email
Finding (2): Sustained

Sanction: Letter of Reprimand

Routing Number: 10

From

Ms Michelle Reiner

To

Lieutenant John Everly

Cc:

Date/Time Sent

03/29/2022 09:07

Instructions From [Ms Michelle Reiner] To [Lieutenant John Everly]

For final comment.

Comments/Response From [Lieutenant John Everly]

Completion notes: I served to Cpl. Conrath the Finding Letter and Letter of Reprimand on 3/29/22.

EXHIBIT 15

Disciplinary Policy

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE

The following actions are misconduct:

- A. Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- B. Failure to report to work or to place of assignment at time specified and fully prepared to perform duties to include all duty assignments whether extra-duty, overtime details, or regular duty assignments.

Spokane Police Department

Spokane Police Department Policy Manual

Disciplinary Policy

340.3.2 CONDUCT

The following actions are misconduct:

- A. Fighting, or threatening other employees in the workplace.
- B. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without notifying the Chief of Police of such action.
- C. Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and privileged records.
- D. Failure to notify the department within 24-hours of any change in residence address and home phone number.
- E. Engaging in horseplay resulting in injury or property damage.
- F. Unauthorized possession of, loss of, or damage to department property or endangering it through unreasonable carelessness.
- G. Failure of any employee to promptly and fully report activities on the part of any other employee where such activities may result in criminal prosecution and when such activity may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position.
- H. Failure of any employee to report activities that have resulted in official contact by any law enforcement agency, that resulted in a criminal charge that may materially affect the employees ability to perform official duties or may be indicative of unfitness for his/her position, excluding off-duty traffic infractions.
- I. The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the department for personal or financial gain or without the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.
- J. Seeking restraining orders against individuals encountered in the line of duty without notifying the office of the Chief of Police.
- K. Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency.
- L. Solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.
- M. Engaging in on-duty sexual relations.
- N. Becoming surety or guarantor or going on bond of or furnishing bail for any person, except for immediate family members, arrested for a crime, without notifying the Chief of Police.

340.3.3 DISCRIMINATION

The following actions are misconduct:

Spokane Police Department

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Disciplinary Policy

- A. To discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

It is misconduct to commit any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

340.3.5 PERFORMANCE

The following actions are misconduct:

- A. Unauthorized sleeping during on-duty time or assignments.
- B. Concealing or attempting to conceal evidence of misconduct.
- C. Unauthorized access and/or, intentional release of designated confidential information, personnel file materials, data, forms or reports.
- D. Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper lawful order from any supervisor or person in a position of authority.
- E. The wrongful or unlawful exercise of authority.
- F. Knowingly making false or misleading statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.
- G. Knowingly making malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.
- H. The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- I. Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).
- J. The unauthorized use of any badge, uniform, identification card or other department equipment or property.
- K. Accepting fee or gift: Members shall not directly or indirectly accept from any person liable to arrest, or in custody, or after discharge, or from any friend or relative of such person, any gratuity, fee, loan, or gift whatsoever.
- L. Members shall not accept any fee, gift, or reward from any person or organization which is given to benefit the member as an individual, rather than the entire Department, when the fee, gift, or reward is given to recognize an act or deed which the member performed in the course of his/her duties. "Fee, gift, or reward" shall not include plaques, awards, or symbols of recognition, which are of slight, incidental monetary value.

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Disciplinary Policy

- M. Accepting product or service: Members shall not accept any product or service from merchant at a rate not offered to general customers of the merchant.
 - 1. Two exceptions exist to the above policy:
 - (a) Events/functions of an appreciative nature approved in advance, in writing, by the Chief of Police (e.g., an annual breakfast hosted by a not-for-profit organization to show support for public safety).
 - (b) Awards of a monetary value distributed in conjunction with graduation from the Washington State Criminal Justice Training Commission's Basic Law Enforcement Training Academy.
- N. Work related dishonesty, including attempted or actual theft of department property, or the property of others.
- O. Unauthorized removal or possession of departmental property or the property of another employee.
- P. Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- Q. Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures. This is not intended to interfere with the officers reasonable use of discretion in the enforcement of the law.
- R. Misappropriation or misuse of public funds.
- S. Exceeding lawful peace officer powers.
- T. Unlawful gambling or unlawful betting on department premises or at any work site.
- U. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the department.
- V. 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.
- W. Engaging in political activities during assigned working hours except as expressly authorized.
- X. Violating any felony statute or any misdemeanor statute where such violation may materially affect the employee's ability to perform official duties or may be indicative of unfitness for his/her position.
- Y. Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- Z. False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.

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Disciplinary Policy

- AA. While on duty or in an official capacity, recommend or suggest to any person the employment or hire of a specific person as an attorney or counsel, bail bondsman, towing service, or other services with a nexus to the department.
- AB. Members shall not serve civil process, such as Summons and Complaint or a Summons and Petition, or other civil process on a voluntary basis or for pay. This policy does not include the lawful service of orders, notices or other official documents in the performance of their duties.
- AC. Conduct unbecoming: No member of the department shall conduct himself/herself in a disorderly manner at any time, either on or off duty, or conduct himself/herself in a manner unbecoming the conduct of a member of the City of Spokane Police Department.
- AD. Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid).

340.3.6 SAFETY

The following actions are misconduct:

- A. Failure to observe written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- B. Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- C. Substantiated unsafe or improper driving in the course of employment.
- D. Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

The following actions are misconduct:

- A. Unauthorized access and/or, intentional release of designated confidential information, materials, data, forms or reports.

340.3.8 DILIGENCE TO DUTY

The following actions are misconduct:

- A. Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

340.3.9 SUPERVISION RESPONSIBILITY

The following actions are misconduct:

- A. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- B. Failure of a supervisor to appropriately report known misconduct of an employee to his/her immediate supervisor or to document such misconduct as required by policy.

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- C. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020 and RCW 41.12.090.

340.5 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of the investigation. Any such tender will be evaluated to determine whether that action renders any further investigation or action moot.

340.6 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

EXHIBIT 16

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of electronic mail (email) by employees of this department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Washington Public Disclosure Act).

212.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and will not be tolerated.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would prevent the misuse of an individual's email, name and/or password by others.

Employees are allowed limited use of equipment and facilities to access the email system for purposes other than that directly or indirectly related to the activities of the city under the following, but not limited to, conditions:

- (a) The use causes no additional cost to the City of Spokane.
- (b) The equipment being utilized to access the Internet shall be that which is normally utilized by the employee, and there shall be no disruption/disturbance to another employee's work area.

Spokane Police Department

Spokane Police Department Policy Manual

Electronic Mail

- (c) Time spent processing personal email does not negatively impact the employee's ability to do his/her job.
- (d) Use of the equipment does not disrupt other city functions.
- (e) Does not violate any other city policy.

212.4 MANAGEMENT OF EMAIL

User email, stored in the inbox and sent items on the city maintained email server, will be stored for a period of thirty days (one month). At that time, older messages will be moved to the city's email archiving system. However, a link to these messages will remain in the inbox for another 30 days. System mailboxes other than the inbox and sent items box will not be archived and no voicemail messages, regardless of location, will be archived. Once mail has been moved to the vault, messages will be retained for seven years. Users of email are solely responsible for the management of their local mailboxes. All messages maintained in a local mailbox that are not public records, or are duplicates of the master record, should be deleted monthly by the email recipient unless necessary for on-going business of the department.

Email messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail messages should be managed by their category in compliance with the current Records Management Guidelines and General Records Retention Schedules.

EXHIBIT 17

From: Olsen, Eric

Sent: Monday, April 25, 2022 4:03 PM

To: Pearson, Kelsey <kpearson@spokanecity.org>

Cc: Meidl, Craig <cmeidl@spokanepolice.org>; Lundgren, Justin <jclundgren@spokanepolice.org>; Hammond, Jennifer <jhammond@spokanepolice.org>

Subject: Chris Conrath Pass Over

Importance: High

Ms. Pearson,

The Police Department intends to pass over Cpl. Chris Conrath #1106 for the promotion to sergeant due to recent adverse findings on a complaint of insubordination and prohibited use of email.

Thank you,
Eric

Major Eric Olsen | Patrol and Precincts | Spokane Police Department
Desk 509-835-4505 | Cell 509-951-7371 | eolsen@spokanepolice.org

EXHIBIT 18

From: Olsen, Eric
Sent: Monday, August 22, 2022 7:57 AM
To: Pearson, Kelsey <kpearson@spokanecity.org>
Cc: Meidl, Craig <cmeidl@spokanepolice.org>; Lundgren, Justin <jclundgren@spokanepolice.org>; Hammond, Jennifer <jhammond@spokanepolice.org>
Subject: Chris Conrath Pass Over - Second Time
Importance: High

Ms. Pearson,

The Police Department intends to pass over Cpl. Chris Conrath #1106 for the promotion to sergeant for a second time due to recent adverse findings on a complaint of insubordination and prohibited use of email.

Thank you,
Eric

Major Eric Olsen | Patrol and Precincts | Spokane Police Department
Desk 509-835-4505 | Cell 509-951-7371 | eolsen@spokanepolice.org

EXHIBIT 19

From: Conrath, Christopher <cconrath@spokanepolice.org>

Sent: Monday, August 22, 2022 4:32 PM

To: Pearson, Kelsey <kpearson@spokanecity.org>

Subject: Re: pass over for cause - Appeal rights

Hello,

Please consider this my notification of intent to formally appeal this decision, as there is no "cause" for a pass over.

Thank you,
Chris Conrath

On Aug 22, 2022, at 16:14, Pearson, Kelsey <kpearson@spokanecity.org> wrote:

Good afternoon Corporal Conrath,

Please see the attached pass over for cause notification and appeal rights.

A certified letter is also being mailed to you. If I can be of assistance, please feel free to contact me.

Thank you,

Kelsey Pearson | Chief Examiner | Civil Service Commission
509.625.6166- office | 509.808.1788 cell | kpearson@spokanecity.org | spokanecity.org

[Job & Employment Information - City of Spokane, Washington \(spokanecity.org\)](http://spokanecity.org)

EXHIBIT 20

From: Pearson, Kelsey <kpearson@spokanecity.org>
Sent: Friday, November 4, 2022 4:07 PM
To: Conrath, Christopher <cconrath@spokanepolice.org>
Cc: Meidl, Craig <cmeidl@spokanepolice.org>; Olsen, Eric <eolsen@spokanepolice.org>; Piccolo, Mike <mpiccolo@spokanecity.org>; Dunkin, David <ddunkin@spokanepolice.org>
Subject: Appeal rights - pass over for cause

Corporal Conrath,

Please see attached official notification of a pass over for cause and appeal rights. A copy of this notice will be mailed certified to your address on file.

If you should have any questions, please let me know.

Thank you,

Kelsey Pearson | Chief Examiner | Civil Service Commission
509.625.6166- office | 509.808.1788 cell | kpearson@spokanecity.org | spokanecity.org



[Job & Employment Information - City of Spokane, Washington \(spokanecity.org\)](http://spokanecity.org)

----- Summit Law Group -----

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Conrath, C -Appeal Rights 11-04-22.pdf
102.1kB

November 4, 2022

Christopher Conrath
14921 East Summerfield
Spokane Valley, WA. 99216

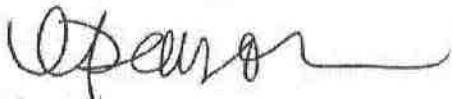
Dear Corporal Conrath,

We have received notification that you have been passed over for a vacant Police Sergeant position in the Police Department. The information we received indicates that the pass over is for cause.

Should you wish to appeal this pass over, Civil Service Rule V, Section 4(c) provides that you must do so in writing within ten working days. Therefore, if you wish to appeal the pass over, you must file written notice with the Chief Examiner's office by 5:00 p.m. on November 18, 2022.

Should you have any questions or concerns, please do not hesitate to contact me.

Regards,



Kelsey Pearson
Chief Examiner

cc: Chief Meidl, Police Department
Major Olsen, Police Department
Mike Piccolo, Human Resources
Dave Dunkin, Police Guild
Christopher Conrath, employee file

EXHIBIT 21

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BEFORE THE CIVIL SERVICE COMMISSION, CITY OF SPOKANE

In Re the Matter of:

Christopher Conrath,

Appellant,

v.

City of Spokane,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION OF THE CIVIL SERVICE
COMMISSION

On July 20, 2021, the Civil Service Commission (Commission) for the City of Spokane conducted the hearing of the appeal of pass over filed by Cpl. Christopher Conrath. The appeal was in regard to the determination of the Police Chief to pass Cpl. Conrath over for promotion to the position of Police Sergeant based upon reasonable cause as set forth in Rule V Section 4 (a) of the Civil Service Rules. Cpl. Conrath timely filed his appeal on January 26, 2021 to the Commission pursuant to Rule V Section 4 (c). The Commission heard oral argument from the City's legal counsel Michael Bolasina, and from Cpl. Conrath's legal counsel Joe Kuhlman. The Commission heard the testimony from the City's witnesses Police Chief Craig Meidl, Director of Strategic Initiatives Jacqui MacConnell and Captain Tracie Meidl. No witnesses were presented by Cpl. Conrath's attorney. The Commission also considered the pre-appeal documentation filed by the parties, which consisted of the City's prehearing brief, including its Exhibits 1-24, and the Appellant's exhibits.

Findings of Fact, Conclusions of Law and
Decision of the Civil Service Commission

CIVIL SERVICE COMMISSION
Fourth Floor Municipal Building
Spokane, WA 99201-3315
(509) 625-6160
FAX (509) 625-6077

1 Having heard and considered the above-cited argument, testimony and pre-appeal
2 statements and documentation, the Commission makes the following Findings of
3 Fact, Conclusion of Law and Decision.

4 FINDINGS OF FACT

5
6 Cpl. Conrath had previously taken the sergeant promotional examination
7 administered by the Civil Service Commission, which placed him on the list of officers
8 eligible for promotion to the position of sergeant. Over the period the sergeant
9 promotional list was active, Cpl. Conrath's name moved to the first position on the list
10 due to other officers on the list being promoted to sergeant or otherwise removed
11 from the list of eligibles. A sergeant's position became open on January 21, 2021,
12 which made Cpl. Conrath the first eligible on the sergeant promotional list to be
13 considered for the promotion.
14

15 On January 21, 2021, Police Chief Craig Meidl informed the Civil Service
16 Chief Examiner that he was passing Cpl. Conrath over for cause for the sergeant
17 promotion. Cpl. Conrath timely filed his appeal on January 26, 2021.
18

19 Cpl. Conrath was subject to a prior internal affairs investigation in 2015
20 resulting in a determination that he had violated the Police Department's Code of
21 Ethics Standard 4.9 regarding conduct unbecoming and Policy 1050.2(d) regarding
22 conduct involving conflicting relationships, which resulted in discipline in the form of a
23 thirty-day suspension. More recently in 2020, Cpl. Conrath was subject to an internal
24 investigation that resulted in the determination that he again engaged in conduct
25 unbecoming and conduct that violated the Department's policy regarding conflicting
26

27 Findings of Fact, Conclusions of Law and
28 Decision of the Civil Service Commission

CIVIL SERVICE COMMISSION
Fourth Floor Municipal Building
Spokane, WA 99201-3315
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1 relationships. The testimony of Police Chief Meidl and the City's pre-hearing brief
2 and exhibits referenced Cpl. Conrath's other job-performance related issues.

3 CONCLUSIONS OF LAW

4
5 The Civil Service Commission is to certify a list of employees eligible for
6 promotion based upon the promotional examination. Upon receipt of the
7 certification, the appointing officer may pass over the eligible and shall notify the
8 Chief Examiner of the pass over. Rule V Section 4 of the Civil Service Rules
9 provides that no promotional eligible shall be passed over except for reasonable
10 cause. Reasonable cause for passing over a promotional eligible may include the
11 following:

- 12 1) An eligible's documented substandard work performance, or
13 2) An eligible's documented prior disciplinary problems, or
14 3) Documented errors in an eligible's judgment, or
15 4) Any other documented performance-related reasons, or
16 5) Mutual Passover.

17 A promotional eligible shall be notified of the pass over and may petition the
18 Civil Service Commission regarding the pass over.

19
20 DECISION

21 Based upon the submitted record, oral argument presented by the parties,
22 witness testimony, the Civil Service Rules and the above Findings of Facts and
23 Conclusions of Law, the Civil Service Commission concludes, by a vote of five to
24 zero, that the appeal of Christopher Conrath is denied. The record demonstrates
25 that the Police Chief's decision to pass over Mr. Conrath for promotion to the Police
26

27 Findings of Fact, Conclusions of Law and
28 Decision of the Civil Service Commission

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Spokane, WA 99201-3315
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Sergeant position was based on reasonable cause as set forth in Rule V Section 4 of the Civil Service Rules.

DATED this ____ day of August 17, 2021.

By: _____

Mark Lindsey - Chairperson
Civil Service Commission

Findings of Fact, Conclusions of Law and
Decision of the Civil Service Commission

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Spokane, WA 99201-3315
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EXHIBIT 22

Merit System Rules of the Civil Service Commission

City of Spokane, Washington

Amended and Adopted: December 17, 2019

**Commissioners
Pamela DeCounter
Judith Gilmore
Craig Hult
Mark Lindsey
Scott Stephens**

RULE V: APPOINTMENT AND PROBATION

Reference: Charter, Sec. 53 (d), (f), (h), (i)

Section 1. GENERAL:

No appointing officer shall select or appoint any person for or to any position within the classified service except as provided within these Rules; nor shall the Commission approve the appointment of any person except as provided by these Rules. Vacancies in the classified service shall be filled by requisition and certification as provided herein.

Section 2. REQUISITION:

Whenever a position is to be filled in the classified service, the appointing officer shall make requisition to the Commission upon a form provided. Appointing officers are encouraged to submit requisitions in advance of actual need so as to maintain continuity of work insofar as possible.

Section 3. CERTIFICATION:

Upon receipt of a requisition the Commission will ascertain the availability for employment of personnel on the appropriate list. Certification shall be made from the eligible list current at the time a requisition is received and in the following manner.

FIRST: From the laid-off list the same number of names of persons laid off from that department as there are vacancies, in the inverse order of their lay off, for positions in the class from which they were laid off.

SECOND: From the laid-off list, names of those persons laid off outside of the department, the number needed in addition to the above to equal the vacancies, by classification seniority, for positions in the class from which they were laid off.

THIRD: The highest eligible from a uniformed promotional eligible list. The three highest eligibles from a non-uniformed promotional eligible list and the three highest eligibles from that Department on that list. Certifications from promotional lists shall include the names of those on the list to whom approved leave has been granted. Selection of an eligible from the Departmental supplemental list will not give rise to an appeal from the three highest eligibles on the promotional eligible list; nor will selection of an eligible from the promotional eligible list give rise to an appeal from the three highest eligibles on the Departmental supplemental list. However, a passed over eligible from the Department supplemental list shall have the same right of appeal as a passed over eligible from the promotional eligible list.

FOURTH: From an open eligible list for appointment to the classification in which the

vacancy occurs, the names, addresses, and telephone numbers of the ten highest available eligibles. On open entry eligible lists there shall be no priority of ranking between or among persons receiving the same average score on the examination.

Where the eligible list is for the Firefighter classification: the names, addresses and telephone numbers of the ten highest eligibles for the first vacancy and an additional four names for every additional vacancy. The language is exactly as published in the Gazette

FIFTH: Names of those classified employees requesting reduction or transfer shall be certified in addition to the above listed eligibles in the second through fourth category. Those laid off employees who do not fall under the first or second category will be certified as transfers for positions to which they are eligible.

If fewer than ten names appear on an original entry eligible list only such name or names shall be certified; but, the appointing officer may reject such certification in which case the Commission shall declare the list exhausted. Another examination then will be held and ten names certified.

Names of those persons remaining on an exhausted eligible list shall be accorded the following consideration: If name has been on an open entry eligible listing or on a promotional eligible listing, the eligible shall automatically be placed at the top of the new listing, open or promotional listing respectively, with eligibility expiring in accordance with original date of eligibility.

Section 4. ACTION BY APPOINTING AUTHORITY:

- a) Upon receipt of a certification, the appointing officer shall interview and consider each eligible in the order of certification. The appointing officer may within twenty (20) working days select one of the eligibles and so notify the Commission on the form provided. If for cause the name/s of all those on an open entry certification are rejected or passed over, the appointing officer shall so notify the Chief Examiner in writing. The Chief Examiner shall consider reasons presented and may authorize certification of additional open entry names. If a promotional certification is rejected the appointing officer shall include the reasons on the certification form which will be promptly forwarded to the Commission.

Civil Service employee files shall be used to review employee performance. Under no circumstances shall a letter of suspension older than three (3) years or a letter of reprimand older than two (2) years be considered as a basis for a Promotional Pass Over. Counseling forms shall never be considered.

No promotion certification shall be rejected except for reasonable cause and no promotional eligible shall be passed over except for reasonable cause. Reasonable cause for passing over a promotional eligible may include the following:

- 1) An eligible's documented substandard work performance, or
 - 2) An eligible's documented prior disciplinary problems, or
 - 3) Documented errors in an eligible's judgment, or
 - 4) Any other documented performance-related reasons, or
 - 5) Mutual Passover
- a) If selection is not made within twenty (20) working days of receipt, the certification may be withdrawn and the position declared vacant, unless a written request for extension has been approved by the Commission, and not to be filled until such time as the appointing officer again shall request certification.
- b) Upon receipt of a rejected promotional certification, or a certification which passed over a promotional eligible, the Chief Examiner shall without delay notify the eligible/s in writing. A rejected uniformed promotion eligible or a passed over non-uniformed promotion eligible shall have the right to petition the Commission within five working days from the date of said notification. The petition must be in writing and filed with the Chief Examiner who shall then notify the Human Resources Director. The Commission shall thereupon set a date of hearing in the same manner as provided by the Charter and Rule XI for appeals.
- c) The appointing officer may, at his/her option, select an employee certified from a promotion list who is on an approved leave of absence. An employee so selected shall, upon return to active duty, be appointed to the advance position after first showing that the established qualifications are still met. The standing on the eligible list of an employee passed over by reasons of absence on approved leave shall not be jeopardized and the employee shall retain his/her proper position during the life of the list regardless of the number of certifications made. When, upon such selection, the position continues to remain unfilled by reason of such absence, requisition shall again be made and upon certification, the appointing officer may appoint one of those so certified to fill the position in a temporary capacity until such time as the first selectee returns to duty. An employee so appointed and holding such temporary appointment at the time the next requisition is received for the same classification and in the same department shall be awarded a probation appointment and time served in the temporary appointment shall be credited towards the probation period. When the first selectee returns to duty and receives appointment the temporary appointee will be returned to the permanent classification held and position on the eligible list and such time served in a temporary capacity shall confer neither Civil Service status nor tenure in the advance position.

Section 5. SELECTION OF SENIOR ADMINISTRATIVE ASSISTANTS:

EXHIBIT 23

Cowles, Matthew

From: Scott Peters <scottpeters171@gmail.com>
Sent: Tuesday, July 5, 2022 4:45 PM
To: Cowles, Matthew
Subject: Re: email

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Ok thank you sir and thank you again for your service!!

On Tue, Jul 5, 2022, 2:16 PM Cowles, Matthew <mcowles@spokanepolice.org> wrote:

Hello Mr. Peters,

Your message was relayed to Ofc. Conrath on or about June 16th.

Matt

From: Scott Peters <scottpeters171@gmail.com>
Sent: Thursday, June 30, 2022 6:13 PM
To: Cowles, Matthew <mcowles@spokanepolice.org>
Subject: Re: email

[CAUTION - EXTERNAL EMAIL - Verify Sender]

To follow up on what I have emailed you about Chris Conrath, I would like to know if and when he was told to stop and never try to contact my wife ever again including social media as well as when he was patrolling the Hilliard area and he was parked stocking my house in his patrol car to never happen ever again or I will come downtown and make a formal complaint. Thank you for your concern and this runs deep in my veins of his very creepy sick things he has done on my tax paying dollars. I don't work hard to pay taxes for a creepy sick man to stock my wife to try to sleep with her again. Thank you and I just need to hear from you he has be told to stay away!!!

On Wed, Jun 15, 2022, 9:16 PM Scott Peters <scottpeters171@gmail.com> wrote:

Thank you Sir!!

On Wed, Jun 15, 2022, 8:23 PM Cowles, Matthew <mcowles@spokanepolice.org> wrote:

Thank you sir, I understand and will relay the message.

Matt

Sent from my iPhone

On Jun 15, 2022, at 4:06 PM, Scott Peters <scottpeters171@gmail.com> wrote:

[CAUTION - EXTERNAL EMAIL - Verify Sender]

Thank you sir and as I stated I would like to keep this between you me and the officer I am telling you about. I really don't want my life to become public. If you relay the message to him as well as I never hear of him trying to contact my wife, I am willing to leave it at that unless he tries to contact her ever again I will let you know if so. Thank you once again and I appreciate the hard work our Spokane police department does!!

On Wed, Jun 15, 2022, 3:17 PM Cowles, Matthew <mcowles@spokanepolice.org> wrote:

Mr. Peters,

Thank you for reaching out our office. Since you made the effort to contact us, I would like to make sure I assist you the best I can. If you would like to discuss the issue with me more, please let me know. My office investigates allegations regarding potential policy violations by Spokane Police Officers.

You are free to call me at 625-4237, or email me if you like.

I will relay your message to him at the earliest opportunity.

Respectfully,

Matt

Lieutenant M. Cowles #604 | Spokane Police Dept. | Internal Affairs | 509-625-4237 |

From: Scott Peters <scottpeters171@gmail.com>
Sent: Tuesday, June 14, 2022 9:15 PM
To: SPD Internal Affairs <spdinternalaffairs@spokanepolice.org>
Subject:

[CAUTION - EXTERNAL EMAIL - Verify Sender]

I don't need anyone to contact me I just need the creep Chris Conrath to stay away from my wife or I will come down and make a formal complaint that will involve the whole city and I would rather not due to our personal life. Tell the creep to stay away including try to contact her on the social media or by email like he has for at least 7 years. Take care of that creep so I know he is not to ever contact my wife ever again!! Thank you and please make this a priority even though I know you have a lot of more important things to deal with, I'm just sick of that creep invading on my life and family. Thank you so much and I can't thank you enough to stop that creep for his sick actions!!