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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KING

ERIC GREENING,

Plaintiff,

v.

CITY OF SEATTLE, a municipality, and ADRIAN
DIAZ, in his individual capacity and in his
official capacity as Chief of the Seattle Police
Department,

Defendants.

NO.

COMPLAINT

Plaintiff Eric Greening alleges as follows:

I. NATURE OF THE ACTION

1. Plaintiff Eric Greening, an officer with the Seattle Police Department (SPD), brings this action against Defendants City of Seattle and Chief of Police Adrian Diaz. Mr. Greening alleges that Defendants retaliated against him in violation of the Washington Law Against Discrimination (WLAD), chapter 49.60 RCW, because he reported discriminatory practices within the SPD to Chief Diaz and others in the Department. The retaliatory actions have included rejecting Mr. Greening's applications for the positions of Deputy Chief and Assistant Chief; abolishing the Collaborative Policing Bureau, which Mr. Greening led; demoting Mr. Greening from his position as an Assistant Chief to the rank of Captain; and transferring Mr. Greening to the Force Review Unit, where he oversees a small number of staff members and

1 has no direct contact with the public. These retaliatory actions have caused Mr. Greening
2 damage in the form of lower pay, loss of reputation, diminution of future career opportunities,
3 and emotional distress.

4 II. PARTIES

5 2. Plaintiff Eric Greening is a Black man. He is employed by the City of Seattle as an
6 officer with the SPD. He resides in King County, Washington.

7 3. Defendant City of Seattle is a municipality located in King County, Washington.
8 The City of Seattle is an employer of Mr. Greening under RCW 49.60.040(11). The SPD is a
9 department within the City of Seattle governing structure.

10 4. Defendant Adrian Diaz is currently the Chief of the SPD, and he resides in King
11 County, Washington. Mr. Diaz is an employer of Mr. Greening under RCW 49.60.040(11). Unless
12 otherwise noted, all acts and omissions of Mr. Diaz alleged herein were performed both
13 individually and within the course and scope of Mr. Diaz's authority as Chief (inclusive of his
14 time as Interim Chief) of the SPD.

15 III. JURISDICTION AND VENUE

16 5. The Court has jurisdiction over this action under RCW 2.08.010 because the
17 damages Mr. Greening seeks are more than three hundred dollars.

18 6. Venue is proper in this Court under RCW 4.12.020 and RCW 4.12.025 because
19 the acts described in this complaint occurred in King County, Mr. Greening's causes of action
20 arose in King County, and Defendants' operations and jurisdiction are located within King
21 County.

22 IV. FACTUAL ALLEGATIONS

23 A. Mr. Greening's employment with Defendants.

24 7. On September 28, 1994, Mr. Greening joined the Seattle Police Department. He
25 graduated from the police academy on December 23, 1994.

26 8. Over the past thirty years, Mr. Greening has served in a variety of roles within
27 the SPD.

1 9. During his first nine years with the Department, Mr. Greening served as a Patrol
2 Officer, Field Training Officer, a DUI Enforcement Officer, and a Traffic Enforcement Officer.

3 10. In 2003, Mr. Greening was promoted to the position of Sergeant. Over the next
4 five years, Mr. Greening served at that rank in various roles at the East Precinct, including Patrol
5 Sergeant and Anti-Crime Team Sergeant. Between 2008 and 2009, Mr. Greening served as a
6 Detective Sergeant in the Narcotics Unit.

7 11. From 2009 to 2012, Mr. Greening served as an Acting Lieutenant in the South
8 Precinct. He was promoted to the rank of Lieutenant in 2012 and served as a watch commander
9 at the West Precinct. Between 2013 and 2014, Mr. Greening served as a Detective Lieutenant in
10 the Office of Police Accountability. Mr. Greening also served as the Operations Lieutenant in
11 the East and South Precincts.

12 12. In 2015, Mr. Greening was promoted to the rank of Captain. He served in that
13 role for more than two years, first in the Traffic Enforcement Section and then in the South
14 Precinct.

15 13. In September 2017, Mr. Greening was promoted to the rank of Assistant Chief,
16 which made him a member of the SPD Command Staff. During his time as an Assistant Chief,
17 Mr. Greening served in five of the seven sworn executive positions that existed.

18 14. From September 2017 to December 2017, Mr. Greening served as Assistant Chief
19 of the Police Night Duty Command. He commanded three Police Captains and was responsible
20 for the overall command of police resources during nighttime hours.

21 15. From January 2018 to August 2018, Mr. Greening served as Assistant Chief of the
22 Police Homeland Security Bureau. During this time, he acted as the Seattle Police Operations
23 Center Commander, was a member of the City of Seattle Special Events Committee and Urban
24 Area Security Initiative Work Group, served as a liaison to local professional sport organizations,
25 and represented SPD with the Seattle Office of Emergency Management. He also continued to
26 supervise the night duty Captains.

27

1 16. From August 2018 to February 2020, Mr. Greening served as Assistant Chief of
2 the Police Patrol Operations Bureau. In that role, Mr. Greening led a patrol staff of
3 approximately 700 sworn officers responsible for emergency response and data-driven crime
4 reduction strategies.

5 17. Between 2017 and 2020, Mr. Greening was on call twenty-four hours per day,
6 seven days a week.

7 18. From February 2020 to July 2021, Mr. Greening served as Assistant Chief of the
8 Police Special Operations Bureau, overseeing SWAT, the Hostage Negotiation Team, Harbor
9 Patrol, the Canine Unit, the Arson Bomb Squad, Traffic and Parking Enforcement, and the Traffic
10 Collision Investigation Unit.

11 19. On May 26, 2021, Mr. Greening was assigned to the Police Collaborative Policing
12 Bureau (CPB), where he remained until July 2023. The CPB comprised the Community Outreach
13 & Youth Violence Prevention Units, the Executive Protection Detail, the Alternative Response
14 Team, the Crisis Response Team, civilian Community Service Officers, and civilian Crime
15 Prevention Coordinators. He also served as the SPD's liaison to the Mayor's Office Unified Care
16 Team.

17 20. Because Chief Diaz did not appoint a new Assistant Chief to take over Special
18 Operations until July 2021, Mr. Greening had responsibility for both the CPB and Special
19 Operations for a period of time.

20 21. During his time as an Assistant Chief, Mr. Greening served intermittently as the
21 acting Chief of Police during the Chief's absences.

22 22. From August 2020 to July 2023, Mr. Greening was the only Black sworn member
23 of Command Staff.

24 **B. Mr. Greening reports discriminatory employment actions within the SPD on**
25 **several occasions.**

26 23. In January 2021, while Mr. Greening was serving as the Assistant Chief of the
27 Police Special Operations Bureau, Chief Diaz assigned him the additional task of being the

1 Executive Sponsor of the SPD's Race and Social Justice Initiative (RSJI) Change Team.

2 24. As noted above, Chief Diaz assigned Mr. Greening to command the CPB on May
3 26, 2021.

4 25. The nature of Mr. Greening's role as head of the CPB and executive sponsor for
5 the RSJI Change Team mandated that Mr. Greening raise concerns about racism and gender
6 bias within the SPD to Chief Diaz and propose workable solutions.

7 26. During 2021, 2022, and 2023, Mr. Greening brought several issues of
8 discrimination and disparate treatment within the SPD to the attention of Chief Diaz; Rebecca
9 McKechnie, Human Resources Manager for the SPD; and Dr. Amarah Khan, Executive Director
10 of the Office of the Employee Ombud for the City of Seattle. Mr. Greening also raised these
11 issues with an attorney that the City hired to investigate claims of discrimination and retaliation
12 brought by another former Assistant Chief.

13 27. For example, in a September 2021 meeting with Chief Diaz, Mr. Greening
14 expressed his belief that the SPD was discriminating against female and BIPOC officers in the
15 terms and conditions of their employment by routinely assigning them to the CPB. Mr.
16 Greening expressed concern about the responsibility for community outreach being placed
17 solely on female and BIPOC officers, about the appearance of segregation within the SPD, and
18 about "cultural taxation," which is the extra work expected and often demanded of members of
19 underrepresented or marginalized groups when it comes to equity, diversity, and inclusion
20 roles. White commanders, civilian executive directors, and Assistant Chiefs, he noted, were
21 being absolved of any responsibility to connect with community members in a non-
22 enforcement capacity.

23 28. In November 2021, Mr. Greening was interviewed as part of the investigation
24 into a discrimination complaint by then-Captain Steve Hirjak. Mr. Hirjak alleged that Chief Diaz
25 and the City of Seattle treated him differently based on his race and retaliated against him.
26 During the interview, which was recorded, Mr. Greening identified conduct by Chief Diaz and
27 the SPD that he believed was discriminatory. This conduct included providing fewer resources

1 and support to Mr. Hirjak when he was incident commander as compared with white officers in
2 the same role, excluding Mr. Hirjak and other female and BIPOC members of the command
3 staff from decision-making, and segregating the Department by disproportionately assigning
4 BIPOC officers to the collaborative policing bureau.

5 29. On January 20, 2022, Mr. Greening informed Chief Diaz that he believed the
6 Chief was discriminating against Black supervisors in the terms and conditions of their
7 employment by circumventing them and making requests directly to their subordinates. Mr.
8 Greening noted that Chief Diaz does not engage in such behavior with white supervisors but
9 said that Chief Diaz regularly circumvented Captain Pierre Davis, a Black man, Lieutenant Heidi
10 Tuttle, a Black woman, and Mr. Greening. Mr. Greening also said that he felt Chief Diaz saw
11 Captain Davis and him as irrelevant and that Chief Diaz treated his placement with the CPB as
12 nothing more than a “seat warmer” role.

13 30. During the January 20, 2022, meeting, Mr. Greening also informed Chief Diaz
14 that he believed white Lieutenants in the Patrol Operations Bureau were discriminating against
15 CPB’s all-BIPOC leadership team in the terms and conditions of their employment by similarly
16 circumventing them to recruit CPB officers for projects.

17 31. During the January 20, 2022, meeting, Mr. Greening also told Chief Diaz that the
18 Chief treated Mr. Greening differently from other Assistant Chiefs. For example, Chief Diaz did
19 not solicit Mr. Greening’s opinions about SPD operations despite his significant experience.
20 Likewise, Chief Diaz did not encourage the newer Assistant Chiefs to ask Mr. Greening about his
21 experiences in several Assistant Chief roles.

22 32. During the January 20, 2022, meeting, Mr. Greening also told Chief Diaz that
23 while the Department was diverse, it was only inclusive when convenient to the dominant
24 power group. Mr. Greening gave Chief Diaz a copy of the Continuum on Becoming an Anti-
25 Racist Multi-Cultural Organization, a chart that illustrates the developmental stages for moving
26 from a monocultural organization to an anti-racist multicultural organization. Chief Diaz
27 responded by saying something along the lines of “I can’t fix all of this.”

1 33. During the January 20, 2022, meeting, Chief Diaz acknowledged that he had
2 heard rumors from line officers about the “good old boys” in Command Staff. Mr. Greening
3 responded by saying that there was truth to the assertion because Chief Diaz took counsel from
4 only the white men in Command Staff, leaving the two female assistant chiefs and Mr. Greening
5 as the “out group.”

6 34. On October 4, 2022, Mr. Greening met with the SPD’s Human Resources
7 Manager, Rebecca McKechnie. During that meeting, Mr. Greening outlined his concerns about
8 Chief Diaz making personnel assignments based on race and gender. This included assigning Mr.
9 Greening to be the RSJI Executive Sponsor, which made him, the only Black member of the
10 Command Staff, the one who was responsible for all things “race.”

11 35. On December 5, 2022, Mr. Greening again met with Ms. McKechnie regarding
12 these issues, and the two agreed that Mr. Greening needed to speak to with the City of Seattle
13 Office of the Ombud.

14 36. On multiple occasions in 2022 and 2023, Mr. Greening met with the Executive
15 Director of the Office of Employee Ombud for the City of Seattle, Dr. Amarah Khan. During that
16 meeting, Mr. Greening outlined his concerns about discriminatory practices within the SPD,
17 particularly those of Chief Diaz.

18 37. On January 6, 2023, Mr. Greening met with Chief Diaz and requested that Diaz
19 release him from the assignment of Executive Sponsor of RSJI. Mr. Greening noted that no
20 white person had ever held this position, and he handed Chief Diaz a research article that
21 highlighted “cultural taxation”—the additional, underappreciated duties placed on BIPOC
22 employees when it comes to dealing with diversity, equity, and inclusion issues.

23 38. During the January 6, 2023, meeting, Mr. Greening also raised concerns about
24 his wife, Loraine Greening, a City of Seattle employee assigned at the time to the SPD, having
25 been discriminated against in terms of compensation. Ms. Greening had applied for a position
26 running Chief Diaz’s Before the Badge program and was offered the job. Before accepting, Ms.
27 Greening requested compensation at a higher rate than offered. Human Resources denied the

1 request. Ms. Greening then researched publicly available information and found that most
2 employees of color were in the bottom third of the salary list for the job classification
3 associated with the offered role. Ms. Greening raised the issue with executive command
4 members, Ms. McKechnie, and the City Office of Ombud. Ms. Greening declined the offer based
5 on the pay inequity issue and other proposed job duties.

6 **C. Mr. Diaz and the City retaliate against Mr. Greening for complaining about**
7 **discrimination.**

8 39. After Mr. Greening reported what he reasonably believed (and continues to
9 believe) are discriminatory employment actions within SPD, including racism and gender bias,
10 Chief Diaz retaliated against him in several ways.

11 40. In early 2023, Chief Diaz announced that SPD was commencing a nationwide
12 competitive search process to hire a new Deputy Chief and Assistant Chief. Mr. Greening and
13 other Assistant Chiefs were told that they would have to reapply for their positions.

14 41. Mr. Greening informed Chief Diaz of his interest in the open Deputy Chief
15 position as early as February 2021, but Chief Diaz never engaged Mr. Greening on this. When
16 Chief Diaz announced that the position would finally be filled, Mr. Greening applied but was
17 denied the promotion. Chief Diaz instead chose Eric Barden, a white male.

18 42. When he then reapplied for his own job as Assistant Chief, Mr. Greening was
19 given only a perfunctory interview by Chief Diaz.

20 43. On July 3, 2023, Chief Diaz demoted Mr. Greening from Assistant Chief to the
21 rank of Captain.

22 44. Mr. Greening's demotion resulted in a reduction in his compensation, which
23 went from an annual salary of approximately \$258,000 per year as Assistant Chief to one of
24 \$231,000 per year as Captain. Had Mr. Greening remained an Assistant Chief, he would now be
25 making nearly \$283,000 per year after recently implemented cost-of-living adjustments.

26 45. Mr. Greening's demotion also resulted in a reduction in other employment
27 benefits, including the value of future pension payments.

1 46. Shortly after demoting Mr. Greening, Chief Diaz abolished the Collaborative
2 Policing Bureau (CPB) that Mr. Greening had been leading for more than two years. Chief Diaz
3 moved Mr. Greening to the Force Review Unit, a position that oversees fewer than ten staff
4 members and involves no direct contact with the public.

5 47. The retaliatory actions of Defendants have harmed Mr. Greening's reputation as
6 a police officer. He has suffered shame and embarrassment because of his demotion as well as
7 harm to his future job prospects and standing in the community.

8 48. The retaliatory actions of Defendants have also caused Mr. Greening substantial
9 emotional distress. For example, he feels humiliated. He is frustrated and distracted at home.
10 He experiences stress individually and within his family. He has trouble sleeping. Defendants'
11 conduct weighs on him, and he worries about further retaliation. He is anxious and finds it
12 difficult to enjoy life.

13 **D. Mr. Greening files both an OIG complaint and a claim form.**

14 49. On September 18, 2023, Mr. Greening filed a complaint with Lisa Judge,
15 Inspector General with the City of Seattle Office of Inspector General (OIG) for Public Safety, in
16 accordance with City of Seattle Ordinance 126628. In his complaint, Mr. Greening raised various
17 issues of discrimination and retaliation, including those outlined in this complaint.

18 50. Ordinance 126628 was approved in 2022 by the Seattle City Council and Mayor
19 Bruce Harrell. The purpose of the ordinance is to establish a process for investigating
20 complaints naming the City of Seattle's Chief of Police.

21 51. On December 14, 2023, the OIG notified Mr. Greening that his complaint had
22 been accepted for investigation and that an outside attorney had been hired to investigate it.

23 52. On May 1, 2024, Mr. Greening was informed that the investigation was ongoing.

24 53. Though it was filed eight months ago, Mr. Greening's complaint with the OIG has
25 not been resolved.

26 54. Because the City of Seattle is a local governmental entity, Mr. Greening also filed
27 a City of Seattle Claim for Damages Form with the City by emailing it to the City Clerk's Office on

1 March 5, 2024. The claim notified the City of Seattle that Mr. Greening was retaliated against
2 for raising good-faith concerns about racism and gender bias within the SPD.

3 55. On March 6, 2024, Mr. Greening’s counsel received via email a letter from Joel
4 Lambert, Claims Manager – Risk Management with the City of Seattle Office of City Finance,
5 acknowledging receipt of Mr. Greening’s claim and assigning # 24-0337 to the claim.

6 56. The letter from Mr. Lambert stated that the City “do[es] not guarantee that any
7 decision will be made at the claims stage” and that Mr. Greening’s counsel “should act to
8 protect [their] client’s rights.”

9 57. More than 60 days have now passed since Mr. Greening submitted his claim to
10 the City. Mr. Greening is therefore permitted to file this lawsuit.

11 **V. CLAIM FOR RELIEF**

12 **Retaliation in Violation of the Washington Law Against Discrimination**

13 58. Under RCW 49.60.210(1), “[i]t is an unfair practice for any employer . . . to
14 discharge, expel, or otherwise [retaliate] against any person because he or she has opposed”
15 discrimination.

16 59. On many occasions, Mr. Greening reported to Chief Diaz and others within the
17 Department what Mr. Greening reasonably believed (and continues to believe) are
18 discriminatory employment actions within the SPD.

19 60. After Mr. Greening made these reports, Defendants took adverse actions against
20 him.

21 61. The adverse actions that Defendants took against Mr. Greening are actions that
22 would dissuade a reasonable employee in his position from making complaints of
23 discrimination.

24 62. Mr. Greening’s reports of discriminatory employment actions were a substantial
25 factor in Defendants’ decisions to take adverse actions against Mr. Greening.

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