

Internal Affairs Unit

Case 19-2812

Prepared by Sergeant Jonathan Chadwell

On June 21, 2019, Lieutenant Travis Brasfield came to the Internal Affairs Office and produced a verified complaint (**See Tab Verified Complaint**) to Sergeant Amanda Bunch. I reviewed the verified complaint and found some of the information in the complaint to be obscure and vague. I went to the Chief's office to inform Chief Thomas of the complaint that we had received. Chief Thomas was on vacation and was out of town. At that time, I was provided with a copy of an anonymous letter (**See Tab Anonymous letter**) that had been sent to the Chief's office the previous day. After reading the anonymous letter, I believed that it could be related to the verified complaint, but I could not confirm because the verified complaint did not mention anything about the anonymous letter or its contents. I spoke with the Law Department and Civil Service director, both of whom had received the same verified complaint from Lieutenant Travis Brasfield. It was decided that based on the abstruse complaint, we needed more information to determine how to proceed. After receiving a copy of the anonymous letter, Civil Service Director Vicki Hatfield advised, that she would immediately start an investigation into the allegations contained therein.

On June 23, 2019 at approximately 2:15 p.m., I contacted Lieutenant Travis Brasfield to see if he could meet with me in the Internal Affairs Unit after roll call regarding his verified complaint. Lieutenant Travis Brasfield arrived at the Internal Affairs Unit shortly after roll call. I gave Lieutenant Brasfield the option of giving me a statement at that time, or he could write up a supplement with more detailed information. Lieutenant Brasfield and his attorney discussed "*two stepping it*" and not giving a statement right now and completing a supplement. During our meeting Lieutenant Brasfield informed me of someone tampering with his welcome sign at his residence. He also advised that Sergeant Maxwell greeted him with a handshake and said, "*I read that Trash*" and then they walked into roll call. Sergeant Maxwell instructed Officer John Martin to read from the book of John, the story about Judas and his betrayal of Jesus. Sergeant Maxwell then told the squad that he didn't like being betrayed and he hates a coward and then conducted training on an officer who was shot to death. Lieutenant Brasfield asked me to relay this to Chief Thomas. I called Chief Thomas, who was still out of town and advised her of the situation. She advised that Deputy Chief Miller was the acting Chief in charge and to call and let him address the new issues brought up by Lieutenant Brasfield involving Sergeant Maxwell. I called Deputy Chief Miller and advised what was said in roll call and Chief Miller advised he would handle it.

During the investigation it became apparent that there was possible evidence (recordings of key conversations related to the complaint filed by Lt. Brasfield) that had been released to local media outlets. Internal Affairs has never been provided any of these recordings released to the media. During Lt. Brasfield's interview on July 11th, he stated that he had notes, an evaluation form from Captain Willis and might have some more information regarding his complaint, and that he would also provide Internal Affairs a copy of his recording of that Internal Affairs interview as required by policy, none of which he has provided. Then on July 12th, I called Lt. Brasfield to come back to Internal Affairs, so I could provide him his complaint receipt form. During this conversation with Lt. Brasfield, he implied that he had more information but was holding

on to it in case someone tried to lie on him, for his own protection. On 07/18/19, I contacted Lt. Brasfield to set up another interview to clear up some information regarding his complaint, and he advised he could not get in contact with his lawyer, so I gave him a couple of dates August 6 or 7 to reschedule and he advised he could do August 6th. I asked him to send me an email with a good time for him and his lawyer, I never received an email. I also contacted Lt. Brasfield on 07/19/19 regarding some paper work that he possibly took from our first interview and he advised, he would look in his paperwork to see if he had it. Lt. Brasfield did not get back with me regarding if he had the paperwork or not. Then at the end of the day of August 6th, when I had no response from Lt. Brasfield, I called him and asked if I could get any of the recordings, notes or evidence that would help in my investigation regarding his complaint and if he could give another interview. He advised he would need to call his lawyer and get back with me. I never heard back from Lt. Brasfield, so on August 21, 2019 I called him back and he didn't answer. I left a message to call me back. Brasfield did call me back later that day and advised that he had given everything he had to his lawyer John Valliant and that I could call him. On 08/22/2019, I called John Valliant and left a message with his secretary. Then on 08/27/2019, 08/30/2019 and 09/03/2019, I called Valliant back and left a message each time with his secretary to call me back. I then called Mr. Valliant again on 09/06/2019 and was able to speak with him. Mr. Valliant advised he could not tell me anything that Brasfield had given him and could not give me a copy due to attorney client privilege. Mr. Valliant was asked if he would check with Brasfield to see if we could get any evidence that he might have for this case. Mr. Valliant advised he would talk to Travis the following week and that he had my phone number. I also called Lt. Brasfield and left him a message advising that I had spoken with his attorney and his attorney advised it was attorney client privilege and would not give me any information. I asked Travis if he would call me back and let me know if he would release any of the information / evidence. Neither Lt Brasfield nor John Valliant have provided the requested information, nor have they called me back to inform me if they were going to provide the additional information / evidence regarding his complaint. Then on September 19, 2019, I sent a certified letter to both Travis Brasfield and his attorney John Valliant (see tab Certified Letter) requesting information / evidence and to responded if they were willing to provide more information/evidence or not. I have not had a response from either one as of 01/24/2019.

Based on the information I have seen reported in the media outlets and his statements it appears that Travis Brasfield and/or his attorney have several audio recordings, paperwork and notes that are related to his complaint that would help in the investigation. This evidence was withheld during the course of the investigation and likely would have assisted in the investigation, but that evidence was never provided despite multiple attempts to obtain the additional information/evidence, the failure to provide this evidence has materially hampered and delayed this investigation.

The following pages will address the issues raised in the Verified Complaint submitted to Internal Affairs from Lieutenant Brasfield. The following pages will also address the issues in the Supplemental Statement to Complaint requested by Internal Affairs Unit that was submitted to the Law Department.

Complaint 1

Is regarding Captain Anthony Willis withholding exculpatory evidence that would have acquitted the defendant

This complaint is referred to on the following pages of the Verified Complaint

Page 1

Page 7

Page 8

This complaint is also referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

Number 15

Number 16

Number 17

This complaint is regarding a statement that Captain Anthony Willis made to Lieutenant Brasfield and Sergeant Maxwell regarding a federal court case. Lieutenant Brasfield stated in his Supplemental Statement to Complaint requested by Internal Affairs Unit that ***“Captain Willis said that his testimony would have resulted in the person being acquitted, because the man was not guilty and that his testimony would have been exculpatory”***. When asked by Sgt. Maxwell if he was talking about exculpatory evidence, Captain Anthony Willis’ response, according to Lieutenant Travis Brasfield was ***“yeah, the guy got sent up and I felt bad”***.

On July 19, 2019, I interviewed Captain Anthony Willis regarding the allegation of him withholding exculpatory evidence. Captain Willis advised that it was probably about twenty years ago and occurred on New Year’s Eve. He was working with Officer Derek Weller and they were handling a complaint from a female/victim alleging she had been kidnapped and forced to go to South Carolina. Captain Willis advised that the only portion of the investigation he and Officer Weller were involved in was taking the initial statement and report from the victim. Captain Willis stated ***“I had no evidence to give. If in this complaint Lt. Brasfield says I said exculpatory, I was in error. I had nothing exculpatory except to say that the character of the complainant was not consistent with what I have seen in other victims of traumatic experiences.”*** Regarding the statement ***“yeah, the guy got sent up and I felt bad”***, Captain Willis made that statement because he thought that the kidnapping incident may not have occurred as the female victim portrayed based on her demeanor at the time.

Findings:

Based on court records, and Captain Willis’ statement, I find that Captain Willis did not withhold any information or exculpatory evidence that would have acquitted the defendant. The only information that Captain Willis could have provided to the court was the victim’s general demeanor at the time of the initial statement and reports filed by Captain Willis and Officer Derek Weller. The reports filed by Captain Willis and Officer Derek Weller were actually part of the court file in the criminal proceeding, and were filed therein by the defendant’s attorney. Captain Willis was not involved in any other part of the investigation. After the initial reports taken by Captain Willis and Officer Derek Weller the case was later investigated by the FBI. The court documents are attached see book #3 (**United States v. Lawrence Lykes**). This court case involved the federal prosecution of a career criminal involving multiple jurisdictions, multiple victims, and multiple crimes.

Captain Anthony Willis

1. **Third Degree – Exonerated** (The incident complained of occurred: however, the action of the employee were lawful and proper).
 - a. **Code of Conduct 1.41 Court Responsibility** (Employees Shall follow established departmental procedures regarding court responsibility) (Degree of severity: C)
 - b. **Code of Conduct 2.04 Conduct-General** (Employees shall not conduct themselves in an immoral, indecent, lewd, or disorderly manner or in a manner that might be construed by an observer as immoral, indecent, lewd, or disorderly.

Members shall not commit acts of misconduct, neglect of duty, or conduct unbecoming a member and a citizen, even though such conduct is not specifically set forth in this order) (Degree of Severity: A)

Complaint 2

Is regarding accusations that Deputy Chief Kenny Miller and Captain Anthony Willis conspired to conceal facts related to discriminatory conduct. This will also address whether supervisors allowed use of improper language in roll call.

This complaint is referred to on the following pages of the Verified Complaint

Page 2

Page 3

Page 4

Page 5

This complaint is also referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

Number 2

Number 14

Number 15

Number 18

Number 19

Number 20

Number 21

Lieutenant Travis Brasfield reported that on June 20, 2019 at 4:00pm during a meeting in Deputy Chief Kenny Miller's Conference Room on the 1st floor of the Safety Building, Chief Miller and Captain Willis conspired to conceal a harassment and discrimination complaint regarding statements made by Sergeant Maxwell during roll call.

At the direction of Chief Thomas, on June 20, 2019 Chief Miller called a meeting with Sergeant Maxwell, Captain Willis and Lieutenant Brasfield to address the anonymous letter (See tab **Anonymous Letter**). Chief Miller advised that the purpose of the meeting or counseling session was to advise Sgt. Maxwell of the complaint and if the allegations were true, to order that it was to stop immediately. Chief Miller stated that he felt like the meeting was very effective. Sergeant Maxwell was extremely humble and assured them that he would refrain from using any language that would be inappropriate or offensive.

Captain Willis stated in his interview that he called Sergeant Maxwell and Lieutenant Brasfield in for a meeting after joint roll call on June 20. Captain Willis stated that Sergeant Maxwell reported to Chief Miller's conference room after roll call but that Lieutenant Brasfield, who was in court, arrived later. Captain Willis stated that they waited a little while for Lieutenant Brasfield but because he was delayed longer than expected, he started the meeting with Sergeant Maxwell by addressing the anonymous letter and some of the unacceptable conduct and speech.

Findings:

Based on statements, the anonymous letter was received on June 20, 2019. Chief Thomas was made aware of the letter via phone by Executive Staff Officer Lieutenant Matlock on the date it was received. Chief Thomas instructed Lieutenant Matlock to take the letter to Deputy Chief Kenny Miller to address it immediately and to have this conduct cease immediately if it was in fact going on. Deputy Chief Miller and Captain Willis held a meeting with Sergeant Maxwell that day to make him aware of the complaint and to stop it immediately if it was occurring. It is clear that, administratively, the anonymous letter was taken very seriously and immediately addressed: Chief Thomas, who was out of town at the time, took immediate action on the complaint by instructing Deputy Chief Miller to address the complaint, and he did so.

Deputy Chief Miller was asked during his interview if he told Sergeant Maxwell, Capt. Willis and Lt. Brasfield in the meeting referring to the anonymous letter this was not a problem and it would go no further. (See Deputy Chief Miller's interview on July 19, 2019 pages 6 through 8). Based on Deputy Chief Miller's interview, what was said exactly cannot be determined, but Chief Miller explained that it was not his final decision of how this complaint would be handled. Based on General Order 1.36, though, it was his responsibility to make sure that either Internal Affairs Unit, City Law Department or Civil Service Department was aware of the complaint. The anonymous letter was not immediately reported to Civil Service, the Law Department or the Internal Affairs Unit, as outlined in General Order 1.36 "***Supervisors are not to resolve complaints of sexual harassment or harassment relating to race, color, religion, national origin, age or disability themselves. They must immediately contact the Civil Service Department, City Law Department, or the Internal Affairs Unit***". While the Executive Staff Officer of Chief Thomas provided the anonymous letter to Internal Affairs the following day, on June 21, 2019, I still find that both Chief Thomas and Deputy Chief Miller failed to immediately

contact Civil Service, the Law Department or the Internal Affairs Unit as outlined in General Order 1.36. I also find that they did not notify the Civil Service Director or the Director of Law “as soon as possible” as required by City of Knoxville Administrative Rule 1.06 “***Any employee who believes he or she has been the subject of harassment due to his or her race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to a supervisor, Director, or Senior Director, the party to whom the report has been made must notify the Civil Service Director or the Director of Law as soon as possible. Supervisors must report harassment as a condition of employment. Failure to report known harassment may result in disciplinary action.***”

Regarding the allegation that Deputy Chief Miller and Captain Willis conspired to conceal harassment and discriminatory complaints, I find that Captain Willis did not conspire to conceal the anonymous letter because his only involvement in that process was meeting with Sgt. Maxwell, Chief Miller and Lt. Brasfield. While Chief Miller did not immediately report the anonymous letter to Civil Service, the Law Department or Internal Affairs, at this time I am unable to prove or disprove that Chief Miller tried or conspired to conceal the letter or the alleged harassment and discriminatory conduct.

It should be noted that normally complaints of harassment are not reported anonymously; these types of complaints are usually made by an identifiable employee, as shown in Administrative Rule 1.06. An anonymous complaint would necessarily take longer to investigate and fully address. It is unreasonable to expect that an investigation into this complaint could have been completed within the twenty-four hours that elapsed between the time that Chief Thomas, and later Chief Miller, received the anonymous letter and the time it was received by Internal Affairs.

Regarding the allegation that Captain Willis conspired to conceal or ignore inappropriate language by Sgt. Maxwell in roll call, statements by Deputy Chief Miller, Captain Willis and Lieutenant Brasfield all confirmed that Willis told Brasfield to address Sergeant Maxwell’s language during roll-call. Lt. Brasfield’s claim that he had previously told Capt. Willis on two occasions of offensive conduct by Sergeant Maxwell and Capt. Willis told Lt. Brasfield not to address Sgt. Maxwell cannot be sustained due to the conflicting statements from both Willis and Brasfield.

Regarding the allegation that any other supervisors allowed Sergeant Maxwell to use inappropriate and offensive language in roll call, my investigation revealed the following facts. Captain Willis, Lieutenant Bush and Lieutenant Brasfield were the only supervisors that I was able to identify that heard some inappropriate or offensive comments made by Sergeant Maxwell. Lieutenant Bush advised that he had heard the term “rag head” used during some of Sergeant Maxwell’s briefings on terrorist bombings. Lieutenant Bush further that he had spoken to Sergeant Maxwell in private about using correct language before, and thus based on interviews I am unable to prove or disprove that Lieutenant Bush allowed improper language in roll call. Lieutenant Brasfield stated in his interview that Captain Willis told him on several occasions not to address Sergeant Maxwell’s language. Captain Willis disputes that he told Lieutenant Brasfield not to address Sergeant Maxwell’s statements. In fact, Captain Willis stated in his interview that on or about June 18th he was in D Squad’s roll call, along with Sgt. Maxwell and Lt. Brasfield. Captain Willis recalled that as roll call was ending and officers were

leaving, Sgt. Maxwell said something to the effect of “we *don’t smoke dope, he said something else and he said we don’t smoke pole*”. Captain Willis at that point said he took Lt. Brasfield aside and said that Lt. Brasfield needed to talk to him, we can’t ignore that and it had to be addressed. It was confirmed by Lt. Brasfield that Captain Willis told him to mention something to Sergeant Maxwell about his language. When Lieutenant Brasfield was asked during his interview, if he mentioned the issues to Sergeant Maxwell, he stated “*No I didn’t see Sergeant Maxwell after that. Till the next day we’re at the meeting on the 20th and I thought... and then again in regards to correcting Sgt. Maxwell, Chief Miller and Capt. Willis read that and turned around and looked and said, “you’re the best guy we’ve got, this exactly what we want, everything is gonna be fine.” So no I didn’t correct it*” Captain Willis also stated in his interview, when asked if he told Lieutenant Brasfield not to address Sergeant Maxwell’s statements, “**No. If he found something that was worthy of addressing, that is not only his freedom, it’s his responsibility.**” Based on statements from Captain Willis and Lieutenant Brasfield, I am unable to determine, who brought the issues with Sergeant Maxwell’s language to whom. There are several contradicting statements between Captain Willis and Lieutenant Brasfield. Captain Willis was also asked if he addressed any inappropriate comments made by Sergeant Maxwell, his response was “*No no no no. No I left that to Lt. Brasfield*” Captain Willis did state that on June 20th he had a conversation about Sergeant Maxwell’s comments with Deputy Chief Miller. Shortly after that discussion was when the anonymous letter was brought to Deputy Chief Miller.

Both Lieutenant Brasfield and Captain Willis blame the other for not addressing Sergeant Maxwell’s comments. It was ultimately the responsibility of both supervisors to address these issues. This conduct should have been addressed with Sergeant Maxwell on the day of the occurrence. Although Captain Willis did tell Lieutenant Brasfield, Sergeant Maxwell’s direct supervisor, to speak with Sergeant Maxwell about his language, it was confirmed that Lieutenant Brasfield did not address Sergeant Maxwell regarding his language in roll call, as directed by Capt. Willis. Therefore, at this time, I am unable to prove or disprove the allegation that Captain Willis told Lieutenant Brasfield previously not to correct Sergeant Maxwell regarding his language in roll call. [The allegation regarding Captain Willis lying is addressed in complaint number 3 regarding truthfulness.]

Throughout this investigation, it appears that supervisors and officers of the Knoxville Police Department need retraining on the correct action to take when they observe or hear inappropriate behavior or language of another employee. There is also a need for retraining on Code of Conduct 1.01, Conflicting or Illegal Orders, as some employees believe or use the excuse that they have no other option but to do exactly what a supervisor says even if it is against policy and is not the correct action. Per policy, there are several ways to handle these types of situations.

Captain Anthony Willis

1. **Third Degree – Exonerated** (The incident complained of occurred: however, the action of the employee were lawful and proper).
 - a. Captain Willis regarding conspiracy to conceal the anonymous letter.

2. **Second Degree – Not Sustained** (Investigation discloses insufficient evidence either to prove or disprove the allegation)
 - a. Captain Willis addressing Sergeant Maxwell’s comments in roll call.

Deputy Chief Kenny Miller

1. **First Degree – Sustained** (The allegation is supported by sufficient evidence to believe the incident occurred. Recommendation for appropriate disciplinary action is made).
 - a. **General Order No. 1.36 Guidelines Concerning Harassment and Sexual Harassment**
(IV. B.) Supervisors are not to resolve the complaints of sexual harassment or harassment relating to race, color, religion, national origin, age or disability themselves. They must immediately contact the Civil Service Department, City Law Department, or the Internal Affairs Unit.
 - b. **Administrative Rules-City of Knoxville 1.06 Harassment Policy**
Any employee who believes he or she has been the subject of harassment due to his or her race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to a supervisor, Director, or Senior Director, the party to whom the report has been made must notify the Civil Service Director or the Director of Law as soon as possible. Supervisors must report harassment as a condition of employment. Failure to report known harassment may result in disciplinary action.
2. **Second Degree – Not Sustained** (Investigation discloses insufficient evidence either to prove or disprove the allegation)
 - a. Deputy Chief Miller regarding conspiracy to conceal harassment and discriminatory complaints
3. **Third Degree – Exonerated** (The incident complained of occurred: however, the action of the employee were lawful and proper).
 - a. Deputy Chief Miller addressing Sergeant Maxwell’s comments in roll call.

Lieutenant Brian Bush

1. **Second Degree – Not Sustained** (Investigation discloses insufficient evidence either to prove or disprove the allegation)
 - a. Lieutenant Brian Bush addressing Sergeant Maxwell’s comments in roll call.

Chief Eve Thomas

- 4. Seventh Degree – Infraction Not Based Upon Original Complaint** (A substantiated infraction not mentioned in the initial allegation was disclosed by the investigator)
 - a. General Order No. 1.36 Guidelines Concerning Harassment and Sexual Harassment**

(IV. B.) Supervisors are not to resolve the complaints of sexual harassment or harassment relating to race, color, religion, national origin, age or disability themselves. They must immediately contact the Civil Service Department, City Law Department, or the Internal Affairs Unit.
 - b. Administrative Rules-City of Knoxville 1.06 Harassment Policy**

Any employee who believes he or she has been the subject of harassment due to his or her race, color, gender, age, religion, national origin, ethnic origin, gender identity, sexual orientation, creed, genetic information, or disability should submit a written complaint of the alleged act immediately to the Civil Service Director. In the alternative, the written report may be made to the Director of Law. If such a report is made by an employee to a supervisor, Director, or Senior Director, the party to whom the report has been made must notify the Civil Service Director or the Director of Law as soon as possible. Supervisors must report harassment as a condition of employment. Failure to report known harassment may result in disciplinary action.

Complaint 3

Is regarding Captain Anthony Willis threatened physical violence against Travis Brasfield and Captain Willis being untruthful.

**This complaint is referred to on the following pages of the Verified Complaint
Page 5**

This complaint is also referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

**Number 2
Number 12
Number 13
Number 14
Number 21**

This complaint by Lt. Travis Brasfield references a meeting held on June 20, 2019 at approximately 4:00 PM involving Brasfield, Captain Tony Willis, and Deputy Chief Kenny Miller. The meeting was held in Deputy Chief Kenny Miller's conference room. Brasfield arrived midway through the meeting and alleged that Captain Willis was being untruthful regarding his denial that Brasfield told Willis on two prior occasions about Sergeant Bob Maxwell's comments in roll call. Brasfield claimed that when Willis denied being told about Maxwell, that he stated to Willis, "you sir are a liar". Brasfield claimed that Willis then turned his chair, balled up his fist, made a grimacing look, and said, "you call me a liar one more time, you and me gonna have a problem". According to Brasfield, Chief Miller then intervened and told Brasfield to leave.

Captain Willis provided a recorded sworn statement on July 19, 2019 and explained that, "I found his tone disrespectful". Willis explained that he felt the statements made by Lt. Brasfield were incorrect and that he did get upset, but "I didn't threaten to harm this man." Willis admitted that he said, "if you call me a liar again, there's gonna be a problem." Willis denied balling his fist as he just turned his chair toward Brasfield. Willis related that he did not feel Lt. Brasfield acted properly as a subordinate and he took exception to his conduct. He claimed Brasfield was incorrect because sometime around June 18, 2019, he (Capt. Willis) had a conversation with Brasfield after roll call and advised that Brasfield needed to have a talk with Sergeant Maxwell about his conduct. Willis admitted to being upset in the June 20, 2019 meeting with Brasfield, but advised he did not threaten him physically.

Deputy Chief Kenny Miller provided a recorded sworn statement on July 19, 2019 and confirmed that he met in his conference room with Captain Willis and Lt. Brasfield on June 20, 2019. He confirmed that Lt. Brasfield called Captain Willis a liar and said he was being untruthful. Deputy Chief Miller stated that he felt like Captain Willis became upset because Lieutenant Brasfield was questioning his integrity. Miller noted it was clear that Willis and Brasfield "were both visibly upset." Deputy Chief Miller did not recall the exact statements made by Captain Willis, but stated that no one threatened to harm anyone and Willis did not stand up. Miller stated, "I felt at that point in the time the conversation was no longer constructive. I ended the meeting."

Findings:

Based on statements from Lieutenant Brasfield, Captain Willis, and Deputy Chief Miller it is evident that an intense debate occurred with Brasfield accusing Willis of being a liar. Captain Willis did confirm that he said, "If you call me a liar again, there's gonna be a problem." Willis stated it was not a physical threat, and that he was not going to let a subordinate call him a liar in a meeting. Although the statement made by Captain Willis could be interpreted in various ways by different individuals, there was no direct threat of physical violence towards Lt. Brasfield. Therefore, the accusation that Captain Willis threatened Lieutenant Brasfield cannot be sustained, due to insufficient evidence either to prove or disprove the allegation.

Regarding the accusation that Captain Willis was untruthful: Statements from Deputy Chief Miller, Captain Willis and Lieutenant Brasfield all confirm that Willis told Brasfield to address Sergeant Maxwell's language during roll-call. The allegation that Capt. Willis lied about Lt. Brasfield's claim that he told Capt. Willis on two occasions of offensive conduct by Sergeant Maxwell cannot be sustained due to the conflicting statements from both Willis and Brasfield.

Captain Anthony Willis

1. **Second Degree – Not Sustained** (Investigation discloses insufficient evidence either to prove or disprove the allegation)

- a. **City of Knoxville Administrative Rule 1.07 (Workplace Violence Policy)**

The City is committed to providing a safe workplace that is free from violence or threats of violence. “Violence” includes, but is not limited to, physical harm, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, interfering with an individual’s legal rights of movement, and threatening or talking of engaging in violent activities. The City expressly forbids any acts or threats of violence by any current or former employee against other employees, citizens, or visitors in or around the workplace or elsewhere at any time.

All employees must submit a written report of any incidents of violent, threatening, harassing, or intimidating behavior to the Civil Service Department (or alternatively the Law Department). Any situation in which an employee witnesses actual violence or reasonably believes that there is an imminent threat of violence should be reported directly to the Knoxville Police Department or to 911.

All reports of violence, threats, harassment, intimidation, and other disruptive behavior will be taken seriously and investigated by the Civil Service Department and the Knoxville Police Department. Individuals who commit and/or threaten violent acts will be dealt with appropriately up to and including termination of employment and/or criminal penalties. There will be no retaliation against an employee who brings a good faith complaint of workplace violence or against any employee who provides good faith testimony or evidence during an investigation.

- b. **Code of Conduct 2.07 (Truthfulness)**

When questioned by supervisory officers or investigators in connection with matters relating to an administrative or criminal investigation, it is the duty of employees to respond truthfully to all questions related to the investigation. A refusal to respond to such questioning is in itself a violation of the rules of the department and makes the employee subject to disciplinary action. In any case, when an employee declines or refuses to answer proper questions relating to his official duties, it shall be the duty of the supervisory officer or investigator to make a complete written report of the circumstances together with a recommendation for appropriate disciplinary actions based on the refusal of the subordinate to make a statement as directed. This shall be in addition to any other charges against the offender, which the circumstances may warrant. (Degree of severity: A)

No employee shall willfully depart from the truth either in giving testimony or in making any sworn statement. (Degree of severity: A)

No employee shall knowingly be untruthful in the general conduct of police department business, to include, but not limited to, relations with peers, subordinates, supervisors, or the public, except as necessary in the course of conducting an investigation. (Degree of severity: A)

Complaint 4

Is regarding a meeting with Officer Speiser on June 18, 2019.

This complaint is referred to on the following pages of the Verified Complaint
Page 5

This complaint is also referred to on the following numbers on the Supplemental
Statement to Complaint requested by Internal Affairs Unit.

Number 6

Number 7

Number 8

Number 9

Number 10

Number 13

On June 15, 2019, an officer in Teleserve received a call from a Knox County Sheriff's deputy who stated that Officer Matthew Spears was going to E-911 and having sex with the deputy's wife. The Knoxville Police Department does not have an officer by the name of Matthew Spears, but we do have an Officer Matthew Speiser. The officer in Teleserve called Officer Speiser's supervisor, Sergeant Maxwell, who was not working that day. Sergeant Maxwell was advised by the Teleserve officer that the Sheriff's deputy wanted to speak with Officer Speiser's supervisor, regarding the allegations. Sergeant Maxwell stated he told the officer in Teleserve to give the Sheriff's deputy his name and phone number and have him call.

On June 17, 2019, I spoke with Sergeant Maxwell, who advised that a Sheriff's deputy had called Teleserve and stated Officer Speiser was possibly having sex with his wife and going to E-911 and seeing her. Sergeant Maxwell advised that the deputy was given his phone number to call, but that the deputy had not yet called. Sergeant Maxwell stated that he did take this up his chain of command, but also wanted Internal Affairs to be aware in the event that the deputy called Internal Affairs. I spoke with Lieutenant Jerry Armstrong, the Internal Affairs Commander and advised him what Sergeant Maxwell told me. It was then determined by Lieutenant Armstrong that the supervisors did not need to wait to see if the deputy was going to call, but that they needed to go ahead and speak with Officer Speiser about the allegations.

On June 18, 2019 there was a meeting held regarding the allegations against Officer Speiser. Present during the meeting was Captain Willis, Lieutenant Brasfield, Sergeant Maxwell and Officer Speiser. Both Sergeant Maxwell and Captain Willis advised that Officer Speiser stated in the meeting that this was not occurring on duty or utilizing city resources. When Lieutenant Brasfield was asked if Officer Speiser indicated whether it was occurring on duty or not, he advised "I don't remember what exactly the kid said in the meeting."

On August 8, 2019 at 4:17pm. I spoke to the Knox County deputy who called in the complaint against Officer Speiser. The Deputy stated that he had called to speak with the supervisor of Officer Speiser but never spoke with one. The Deputy stated that he did not have any proof or personal knowledge that Officer Speiser was having sex with his wife, while on duty, using city equipment or at a city facility. I asked the Deputy if he wanted to make a formal complaint about what he believed was occurring and he stated that he did not want to make a complaint at this time.

Findings:

The complaint was received by an officer in Teleserve, who passed on the information to the officer's supervisor (Sgt. Maxwell). Sergeant Maxwell never spoke with the complainant who called. Sergeant Maxwell passed the information up his chain of command to Lieutenant Brasfield and Captain Willis and also informed Internal Affairs. It was then determined by the Internal Affairs Commander that the supervisors of Officer Speiser needed to speak with him regarding the alleged complaint. If there was any indication that the activity was occurring on duty or utilizing city resources the complaint would have been sent back to Internal Affairs for formal investigation. Based on Sergeant Maxwell and Captain Willis's statements, Officer Speiser advised this was not occurring on duty or utilizing city resources. It was also advised by both Sergeant Maxwell and Lieutenant Brasfield in their statements that if this was not occurring on duty or utilizing city resources there would be no violations of police department policies and procedures, which is correct. These portions of the complaint were handled appropriately.

Regarding the complaint from Lieutenant Brasfield that Captain Willis lied to him, Officer Speiser, and Sergeant Maxwell at the conclusion of the meeting, Captain Willis admitted saying at the end of the meeting that nothing discussed in the meeting was allowed to leave the room. Captain Willis advised that he made this statement because his assessment at the time was that there was no formal complaint, it was not happening on duty or utilizing city resources and that there was no need for a further investigation at that time since there was no violation of City or department rules. Captain Willis also advised that after thinking about their conversation, he decided that he needed to advise Deputy Chief Kenny Miller about the meeting and the outcome because Internal Affairs was aware of the allegation. Willis sent a text message to Sergeant Maxwell and Lieutenant Brasfield, advising *“I reconsidered our conversation with Speiser...on second thought I am going to have to mention it to Chief Miller. Please let him know that. I don’t want to give the appearance of going back on my word. It will still be ok but I do have to tell him since IAU knows about it.”* I find that Captain Willis did not lie to Officer Speiser, Sergeant Maxwell or Lieutenant Brasfield. Captain Willis changed his mind and then advised all of the individuals involved that he was going to tell Deputy Chief Miller about the meeting.

There was, however a violation of General Order 7-IA (V. Procedure A.1. a.b.). The supervisors of Officer Speiser, which includes Sergeant Maxwell, Lieutenant Brasfield, Captain Willis and Deputy Chief Miller, failed to send any documentation back to Internal Affairs as explained in the General Order. This was the responsibility of the supervisors to make sure this was done.

Also based on statements from Lieutenant Brasfield and Captain Willis, Sergeant Maxwell used colorful language and crude comments during the meeting with Officer Speiser. Neither Lieutenant Brasfield nor Captain Willis stopped Sergeant Maxwell from using this language and allowed him to continue. I find that both supervisors are responsible for allowing that to occur. I sustain Code of Conduct 1.21 Unsatisfactory Performance, due to failure to conform to work standards established for the officer’s rank, grade, or position and failure to take appropriate actions.

Captain Anthony Willis

- 1. Third Degree – Exonerated** (The incident complained of occurred: however, the action of the employee were lawful and proper.

- a. Code of Conduct 2.07 (Truthfulness)**

When questioned by supervisory officers or investigators in connection with matters relating to an administrative or criminal investigation, it is the duty of employees to respond truthfully to all questions related to the investigation. A refusal to respond to such questioning is in itself a violation of the rules of the department and makes the employee subject to disciplinary action. In any case, when an employee declines or refuses to answer proper questions relating to his official duties, it shall be the duty of the supervisory officer or investigator to make a complete written report of the circumstances together with a recommendation for appropriate disciplinary actions based on the refusal of the

subordinate to make a statement as directed. This shall be in addition to any other charges against the offender, which the circumstances may warrant. (Degree of severity: A)

No employee shall willfully depart from the truth either in giving testimony or in making any sworn statement. (Degree of severity: A)

No employee shall knowingly be untruthful in the general conduct of police department business, to include, but not limited to, relations with peers, subordinates, supervisors, or the public, except as necessary in the course of conducting an investigation. (Degree of severity: A)

2. First Degree – Sustained (The allegation is supported by sufficient evidence to believe the incident occurred. Recommendation for appropriate disciplinary action is made).

a. General Order No. 7-IA V. Procedure A. All Supervisory Personnel

1. Upon receipt of any information regarding employee misconduct which requires any investigative follow-up and/or mandates documentation, the supervisor shall

a. Complete a Referral Action Form and forward a copy to IAU within 72 hours

b. This notification must occur on all complaints of employee misconduct regardless of severity of the allegation

b. 1.21 Unsatisfactory Performance Employees shall maintain a sufficient competency to perform properly their duties and assume the responsibilities of their positions. Employees shall perform their duties in a matter which will maintain the highest standards of efficiency and effectiveness in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position, the failure to take appropriate action on the occasion of a crime, disorder, or other conditions deserving police attention; or absence without leave. In addition to other indications of unsatisfactory performance, repeated infractions of rules, regulations, directives, or orders of the department shall indicate unsatisfactory performance. (Degree of severity: B).

Deputy Chief Kenny Miller

- 1. First Degree – Sustained** (The allegation is supported by sufficient evidence to believe the incident occurred. Recommendation for appropriate disciplinary action is made).
 - a. General Order No. 7-IA V. Procedure A. All Supervisory Personnel**
 - 1.** Upon receipt of any information regarding employee misconduct which requires any investigative follow-up and/or mandates documentation, the supervisor shall
 - a.** Complete a Referral Action Form and forward a copy to IAU within 72 hours
 - b.** This notification must occur on all complaints of employee misconduct regardless of severity of the allegation

Complaint 5

Is that the accusation on Officer Ott was not handled correctly and that Captain Willis told Lieutenant Hill to never put any complaint like that in an e-mail.

This complaint is not referred to on the Verified Complaint

This complaint is referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

Number 5
Number 10
Number 20

Lieutenant Hill was contacted by his officers, who advised a female that was being arrested made allegations of sexual misconduct against an officer that was on scene. On June 14, 2019, at 12:28 am, Lieutenant Hill sent an e-mail to Captain Willis regarding those allegations. Captain Willis then forwarded that e-mail to Deputy Chief Miller on June 14, 2019 at 2:51 am.

On June 14th 2019, Deputy Chief Miller contacted Internal Affairs Commander Lieutenant Jerry Armstrong concerning a complaint from Captain Tony Willis regarding sexual misconduct allegations against an officer. During a DUI arrest, a female identified an officer as requiring her to perform oral sex on him in exchange for getting rid of a bag of marijuana in an earlier traffic stop. The female is overheard making the statement from the back of the police car. She was intoxicated and very agitated about what was going on.

On Friday June 14th, I called the Knox County Intake Center to see if the female was still in custody, but she had already posted bond. I located a telephone number for her and called and left her a message to contact me. I also contacted the City Impound Lot (where subject's vehicle was towed) and advised them to give her a message to call me when she retrieved her vehicle.

On Monday June 17th, I had a message on my voicemail from the female and I returned her call. During the conversation with her, I asked her about making the comment about performing a sex act to get rid of a bag of marijuana several weeks ago. The female replied that a few months ago she had a run in with the officer at a Pilot store on Broadway. She said the officer came out to her car and advised her that she didn't have a tag on her vehicle and that the store clerk had told him that she had marijuana on her, which was obvious due to a bulge in the subject's pocket. The subject said the officer told her not to take anything out of her pockets and they just talked. The subject said the officer told her that that he goes "code one" at 1 AM, and she asked what that meant. She stated that nothing sexual ever happened and said that she was drunk when she made that statement on June 13th. The female said she had neither met nor seen the officer after the first encounter until the night she was arrested for DUI. I asked her if she wanted to file a complaint and she stated she didn't want to do anything. At that point, I advised her that she had my telephone number and that if she had anything else, she could call back and make a complaint.

After I spoke with the female and she stated that nothing sexual happened between her and the officer, I advised Lieutenant Armstrong, who passed the information to Deputy Chief Kenny Miller. Deputy Chief Miller said he would have the officer's supervisors sit down with him and discuss the accusations made against him.

Findings:

The drunken utterances and allegations made by the female being arrested were thoroughly examined by Patrol and Internal Affairs. The officers on scene reported the incident to their supervisor Lieutenant Jason Hill. Lieutenant Hill conducted a supervisor inquiry / informal investigation to see if there was any credibility to the allegations. Lieutenant Hill reviewed the videos from officers on scene, when the videos were available. Hill went back and reviewed videos that could have been related to the allegations described by the female. Lieutenant Hill reported the allegations to Captain Willis, who took the information to Deputy Chief Miller. Deputy Chief Miller sent the information up the chain of command to Internal Affairs, who reached out to the female. The female recanted her statement and advised that nothing happened. Internal Affairs came to the conclusion based on the supervisor inquiry / informal investigation by Lieutenant Hill, the review of videos by both patrol and Internal

Affairs and the female's statement that nothing sexual occurred between the two. Both Patrol and Internal Affairs did their due diligence in looking into the drunken utterance made by the female.

Regarding the complaint from Lieutenant Brasfield that Captain Willis became angry and told Lieutenant Hill to never put any complaints like that in an e-mail, both Lieutenant Hill and Captain Willis advised that the conversation between them concerned how much information was appropriate to include in an e-mail. Captain Willis explained in his statement that "***I don't want the facts being retrieved in an e-mail without an investigation should it come to fruition having been completed based upon those facts. That would compromise the investigation. That's...it's the same in working a homicide. There aren't details of the homicide sent by investigators over e-mail. It's not because it's conspiratorial and they're trying to hide facts. It's because it compromises an investigation. That was my concern initially.***" Lieutenant Hill clarified in his interview that Captain Willis was not angry but was instructive as to what Willis as a patrol captain wanted in an e-mail regarding a quasi-criminal incident and allegations on an officer. There are no issues with Captain Willis speaking with Lieutenant Hill about what he would prefer in an e-mail, as Captain Willis didn't want certain information in the e-mail that might compromise a future investigation.

Complaint 6

Is regarding Captain Anthony Willis alleged statement that "*Estrogen destroys the logic center of the brain, All reason is abolished. It is gone. This is science, not speculation.*"

This complaint is not referred to on the Verified Complaint

This complaint is referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

Number 11

On June 18, 2019, after discussing complaints made by female citizens against male officers, Lieutenant Travis Brasfield stated that Captain Willis said that “Estrogen destroys the logic center of the brain. All reason is abolished. It is gone. This is science, not speculation.” Lieutenant Travis Brasfield advised that he found that offensive.

Findings:

Captain Willis’ admitted that he did said “Estrogen destroys the logic center of the brain. All reason is abolished. It is gone. That is science, not speculation.”, but as a joke. I find a violation of **Code of Conduct 3.00 Courtesy** since the comment was inappropriate.

On 08/12/2019, I spoke with Civil Service Director Vicki Hatfield regarding the statement made by Captain Willis. She advised based on the one time incident and the context of the statement that it does not constitute a pattern of inappropriate behavior and did not meet the criteria for her to investigate.

Captain Anthony Willis

1. **First Degree – Sustained** (The allegation is supported by sufficient evidence to believe the incident occurred. Recommendation for appropriate disciplinary action is made).
 - a. **Code of Conduct 3.00 Courtesy**
 - A. (All employees of the department shall be courteous and orderly in their dealings with the public and other employees of the department. Employees shall be attentive to and take suitable action on reports and complaints by a private person except when circumstances make it necessary for them to report the matter or refer the complainant to a more suitable police office or other agency. Employees shall fulfill proper requests for information or assistance, or they shall aide the person in otherwise obtaining the requested information or assistance.) (Degree of severity: C)
 - B. (Employees shall be quiet, orderly, and attentive and shall exercise patience and discretion in the performance of their duties. They shall avoid an abrupt manner in answering questions. They shall maintain an even temper, in spite of provocation, remaining cool and collected at all times. Employees shall refrain from harsh, violent, coarse, profane, sarcastic, or insolent language. When requested to do so they shall give their name and badge number, or identification number, in a respectful, courteous manner. (Degree of severity:

Complaint 7

Is regarding Captain Willis telling Lieutenant Brasfield to lower Sergeant Keck's Performance Evaluation, Captain Willis making false statements about the evaluations and the process of handling the Performance Evaluations for 2018-2019

This complaint is not referred to on the Verified Complaint

This complaint is referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

Number 4

Number 12

In Lieutenant Brasfield's Supplemental Statement number 4, he advised he turned in Sergeant Keck's performance evaluation for review prior to presenting it to the employee. Lieutenant Brasfield also referred to a meeting with Captain Willis and Lieutenant Snoderly, where Captain Willis told Lieutenant Brasfield to lower Sergeant Keck's Performance Evaluation and handed the performance evaluation back to Lieutenant Brasfield. In Supplemental Statement number 12, Lieutenant Brasfield accused Captain Willis of making false statements regarding losing Sergeant Keck's Evaluation.

On 07/11/2019, I interviewed Lieutenant Brasfield, who advised that Captain Willis had given Sergeant Keck's evaluation back to him with instructions to lower the score, which he did, and gave it back to the Captain. According to Lieutenant Brasfield, Captain Willis gave the evaluation back for the second time and said lower it some more. Lieutenant Brasfield advised ***"And at this point it was his second time giving it back and he violated Article 19 and I knew so I just held onto it."*** Lieutenant Brasfield stated that Captain Willis later told him that he had turned the evaluation into Eva, the East District secretary, and she had lost it. According to Lieutenant Brasfield, Captain Willis told Sergeant Keck that he had turned it into Diane Lewis, the Patrol Division secretary, and she had lost it. Then Lieutenant Brasfield stated ***"But the fact of the matter was he put it back in my door and he never got it back. He didn't have it. I still have it with his note."***

On 07/12/2019, I interviewed Sergeant Jason Keck, who advised that Captain Willis sent out an e-mail to the entire East District regarding the performance evaluations. I asked Sergeant Keck to send me the e-mail that Captain Willis sent out to the supervisors of the East District (See Tab **Willis' E-mail**). In the e-mail Captain Willis explains how and what he wants in the performance evaluations. In the e-mail it states ***"Once you have completed the eval, submit it to me PRIOR to having your subordinates sign them. This is NOT so that I can change numbers etc., but rather to make sure things are uniform and complete."*** At my request Sergeant Keck also sent all the emails that he had regarding the performance evaluations for 2018-2019 which included his first and second evaluation by Lieutenant Brasfield (See Tab Keck's emails).

On 7/19/2019, I interviewed Captain Willis regarding the procedure of completing the performance evaluations. Captain Willis advised that he had sent out an e-mail detailing how he wanted them done this year. The e-mail Captain Willis is referring to can be seen in tab labeled **Willis' E-mail**. I asked Captain Willis about Sergeant Keck's evaluation and he advised that the evaluation had all five's, and that he had a conversation with Lieutenant Brasfield regarding the high ratings. Captain Willis advised that he told Lieutenant Brasfield to re-evaluate the numbers because they were grossly disproportionate to Keck's performance. Captain Willis also advised that there was no documentation of issues that he and Lieutenant Brasfield had discussed regarding Sergeant Keck working out on duty and other performance issues.

Findings:

Based on emails and statements, I find that Lieutenant Brasfield submitted Sergeant Keck's performance evaluation to Captain Willis for review prior to Sergeant Keck signing the evaluation, which is not consistent with Article 19 of the Civil Service Merit Board Rules Section 1901. According to Article 19 (See tab **Article 19**) Section 1901, ***"This evaluation is to be conducted by the immediate supervisor, to be reviewed with the employee and signed by the employee and then to be transmitted to the Department Heads for his/her review and approval"***. The Performance Appraisal Manual General Government Form Section IV (See tab

Appraisal Manual) also states “*The performance appraisal should be signed by the rater, reviewed with the employee, signed by the employee, and then forwarded up the chain-of command.*” Based on the e-mail from Captain Willis that all the evaluations were to be sent to him for review before the employee signs them, I sustain a violation of Code of Conduct 1.03 Knowledge of Laws and Regulations based on Captain Willis’ failure to follow the correct procedures under Article 19 of Performance Evaluations. According to Lieutenant Brasfield during his interview, he knew the correct procedure for completing the performance evaluations but at no time brought this to the attention of Captain Willis, in apparent violation of Code of Conduct 1.01 Conflicting or Illegal Orders section B (See Tab: **Code of Conduct 1.01**) which advises the correct procedure regarding the issues raised by Lieutenant Brasfield about the conflicting orders given by Captain Willis.

The issue raised about Captain Willis telling Lieutenant Brasfield to lower Sergeant Keck’s evaluation did occur as explained by Captain Willis in his interview. However Article 19 section 1901 states that “*if any reviewing supervisor disagrees with the evaluation, he/she should discuss his /her concerns with the immediate supervisor who will determine whether to make changes to the evaluation. If the immediate supervisor does not make changes, the reviewing supervisor may list concerns in the appropriate comments section.*” Because Captain Willis had a meeting with Brasfield, explained why he did not agree with the ratings and provided reasons why Keck’s performance did not meet such a high rating, I exonerate Captain Willis regarding him telling Brasfield to lower Keck’s score. During Lieutenant Brasfield’s interview, he advised that he did lower Keck’s evaluation score even after confirming that he knew the correct procedure for completing the performance evaluation, which indicated he would have known that it was his decision to make the changes to the evaluation and that Captain Willis could not make him change it.

As to the complaint that Captain Willis lied about losing Sergeant Keck’s evaluation, Captain Willis’s stated that “*I told him that it was lost. I didn’t lay blame on Eva. I don’t remember saying anything about Eva or Diane or anybody else. But that in the process of uh being delivered or in the office, I looked, I am quite capable of misplacing something. Uh... in fact I’m somewhat notorious for that. Again I don’t remember saying it was Diane’s fault. I can’t say that. But uh... yeah I, I told him that we needed to have him sign another one.*” Captain Willis was unable to remember for sure in his interview if he had told Lieutenant Brasfield or Sergeant Keck that Diane or Eva lost the evaluation. Captain Willis did advise he said something to the effect that he did not have Keck’s evaluation and that he needed another one to sign to proceed up the chain of command. It is unclear why Lieutenant Brasfield opted to print out a new evaluation to be signed, rather than provide the evaluation that was in his possession, especially after being made aware that Captain Willis did not have the original. Because this investigation disclosed insufficient evidence to either prove or disprove the allegation, I find truthfulness not sustained.

Captain Anthony Willis

1. **First Degree – Sustained** (The allegation is supported by sufficient evidence to believe the incident occurred. Recommendation for appropriate disciplinary action is made).

a. Code of Conduct 1.03 Knowledge of Laws and Regulations

Every Police Officer will establish and maintain a working knowledge of all pertinent laws and ordinances. All employees will establish and maintain a working knowledge of departmental policies, procedures, rules and regulations. In the event of improper action or breach of discipline, it will be presumed that the officer or employee was familiar with the above. (Degree of severity: C)

2. Third Degree – Exonerated (The incident complained of occurred; however, the action of the employee were lawful and proper).

Captain Willis did not violate any policy or procedure for asking Lieutenant Brasfield to lower Sergeant Keck's evaluation.

3. Second Degree – Not Sustained (Investigation discloses insufficient evidence either to prove or disprove the allegation)

a. Code of Conduct 2.07 Truthfulness

A. When questioned by supervisory officers or investigators in connection with matters relating to an administrative or criminal investigation, it is the duty of employees to respond truthfully to all questions related to the investigation. A refusal to respond to such questioning is in itself a violation of the rules of the department and makes the employee subject to disciplinary action. In any case, when an employee declines or refuses to answer proper questions relating to his official duties, it shall be the duty of the supervisory officer or investigator to make a complete written report of the circumstances together with a recommendation for appropriate disciplinary actions based on the refusal of the subordinate to make a statement as directed. This shall be in addition to any other charges against the offender, which the circumstances may warrant. (Degree of severity: A)

B. No employee shall willfully depart from the truth either in giving testimony or in making any sworn statement. (Degree of severity: A)

C. No employee shall knowingly be untruthful in the general conduct of police department business, to include, but not limited to, relations with peers, subordinates, supervisors, or the public, except as necessary in the course of conducting an investigation. (Degree of severity: A)

Complaint 8

Is regarding the transfer of Lieutenant Brasfield from Squad B to Squad D. Captain Willis stated that he was not happy with the culture of Squad B, and that effective May 2, 2019, Brasfield would be moved to Squad D. Lieutenant Bush moved from D to B squad as a result of Brasfield's transfer.

This complaint is not referred to on the Verified Complaint

This complaint is referred to on the following numbers on the Supplemental Statement to Complaint requested by Internal Affairs Unit.

Number 1

In regard to Lieutenant Brasfield's Supplemental Statement number 1, it says that "Captain Willis said he was not happy with the culture of B Squad and that effective May 2, 2019, he was transferring me to D squad and Lieutenant Bush from D Squad to B Squad." During Lieutenant Brasfield's interview, he stated that Captain Willis did not explain why he was not happy with the culture on B squad, but that he just transferred him. Lieutenant Brasfield advised that Lieutenant Snoderly and Sergeant Keck were present during the meeting.

During an interview on August 15, 2019, Sergeant Jason Keck was asked about the meeting that was held regarding Brasfield's transfer. Sergeant Keck explained that Captain Willis advised that he was moving Lieutenant Brasfield because he did not like the culture on B Squad and that D Squad's culture was better. Sergeant Keck advised that Willis gave some examples of why he did not like the culture on B Squad (See Keck's interview on 08/15/2019 pages 4 through 8).

) Captain Willis indicated several reasons as to why he transferred Lieutenant Brasfield, during his interview on July 19, 2019 (See Willis' interview pages 11 through 14).

Findings:

Captain Willis is the East District Commander and is responsible for shift assignments for the district. Captain Willis states several reasons in his interview, as to why he moved Lieutenant Brasfield. There were no policy violations for moving Lieutenant Brasfield from B Squad to D Squad.

Captain Anthony Willis

1. **Third Degree – Exonerated** (The incident complained of occurred: however, the action of the employee were lawful and proper).

Standard Operating Procedure – Patrol

II. Transfer Procedures

Duty assignments and transfers rest within the discretion of the Chief of Police. If a transfer of a supervisor to a specific position is determined to be in the best interest of the department, the Chief of Police may make such transfer without regard to any process set forth herein.

- A. Except as provided above, when a vacancy is identified and is to be filled, the following procedures shall apply:

Supplemental Statement to complaint request by Internal Affairs Unit

Number 22 through 30 are addressed on the first page of the summary