

Internal Affairs Unit

Case 19-2811

Prepared by Sergeant Amanda Bunch, IAU

On July 1st, 2019, Lieutenant Jerry Armstrong advised me that there was a complaint from the Law Department regarding an anonymous letter sent to Chief Thomas describing inappropriate language used by two supervisors. The Law Department wanted us to investigate the allegations the letter made against Captain Willis and Sergeant Maxwell.

The anonymous letter sent to Chief Thomas discussed two supervisors using inappropriate language (Sgt. Maxwell and Cpt. Willis). The initial part of the letter goes into detail about some of the language used by Sgt. Maxwell during roll calls and that officers had made videos of this language. (See **Letter Tab for examples of Sgt. Maxwell's comments**) (This investigation will not focus on Sgt. Maxwell's comments due to Sgt. Maxwell no longer being employed by the Knoxville Police Department. The Internal Affairs Unit generally investigates violations of policy and procedure on current employees only.) After describing things that Sgt. Maxwell had said, the letter mentioned that Cpt. Willis normally comes to roll calls and used similar language degrading women and promoting violence. Based on interviews with three supervisors, all twelve of Delta squad's officers, and Cpt. Willis, I found that Cpt. Willis never made any degrading comments about women in front of those interviewed. Additionally, the only time Cpt. Willis promoted violence was during a discussion about active shooters and how the officers needed to respond to an active shooter call. (See **Cpt. Willis' interview page 2**)

On July, 11th, 2019, I interviewed Officer Wiggins, an officer from Delta squad. Officer Wiggins advised that he had video recorded Sgt. Maxwell conducting a roll call on May 19th, 2019 with his cellphone. He stated that he filmed the roll call as a joke due to the content of what Sgt. Maxwell was saying. During our first interview, Officer Wiggins advised that he had only sent the video to Lt. Bush and had deleted the video after sending it. I called Officer Wiggins back in that same afternoon for some additional questions and we were able to find the video on his phone. Officer Wiggins did not realize you could retrieve a video from a text message and he still had the messages on his phone to Lt. Bush. While retrieving the video from his text messages, he also saw that he had in fact sent the video to Lt. Brasfield at his request on June 20th, 2019, but had forgotten this until seeing the texts.

On July 22nd, 2019, I requested an interview from Lt. Brasfield, the Delta Squad Lieutenant. Lt. Brasfield came to the Internal Affairs office to inquire what I needed to speak to him about, but would not give a statement that day regarding the anonymous letter. Lt. Brasfield advised me that he would have to check with his lawyer first. When I had not heard back from Lt. Brasfield, I informed his supervisor (Chief Green) that I needed him to give a statement that Friday July 26th, 2019. On July 26th, Chief Green emailed me that Lt. Brasfield had called in sick and wouldn't be at our interview. Before

I could schedule another interview date, Lt. Brasfield resigned from the Knoxville Police Department, and thus has never submitted to questions regarding the anonymous letter. Additionally, Sgt. Chadwell sent Lt. Brasfield and his lawyer, John Valliant, a certified letter on 09/19/2019 requesting him to submit to an interview, but he failed to respond to the letter.

Findings:

Based on review of all pertinent paperwork and statements, Captain Anthony Willis was in compliance of K.P.D.'s policy regarding Code of Conduct 2.04 (Conduct—General). Through the course of the investigation, I also found that Officer Wiggins was in violation of Code of Conduct 2.10 (Recording of Communication), and Lt. Bush was in violation of Code of Conduct 2.07 (Truthfulness) and Code of Conduct 2.06 (Violations of Rules and Orders).

Captain Anthony Willis

Fourth Degree – Unfounded. (Code of Conduct 2.04—Conduct-General). The investigation disclosed that the allegation complained of never occurred and, therefore is false.

Officer Tyler Wiggins

Seventh Degree – Sustained. (Code of Conduct 2.10—Recording of Communication) (Degree of severity: A). To prevent dissemination of confidential information and the unauthorized recording of communications between employees, no employee of the Knoxville Police Department shall tape or otherwise record any communication between the employee and any other employee of the Knoxville Police Department unless specifically authorized by the General Orders of the department or with the prior approval of the employee being recorded or the Chief of Police. **(Officer Wiggins recorded a supervisor in the East District roll call room with his personal cellphone on 05/19/2019).**

Lieutenant Brian Bush

Seventh Degree – Sustained. (Code of Conduct 2.07—Truthfulness) (Degree of severity: A). 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. **(Lt.**

Bush had numerous inconsistent statements given during three separate interviews with Internal Affairs. During an interview on July 5th with me, Lt. Bush was asked if he knew about any videos out there of someone filming roll calls. Lt. Bush replied *"I've heard that there is some video out there but I, I don't know of, I've not seen it"*. He was then asked if he knew who had the video and he said "no". Additionally, during his second interview with Sgt. Chadwell (as part of investigative file #19-1811), Lt. Bush was asked about a video of a roll call. Lt. Bush was back and forth about whether he had ever seen a video, but in the end said yes he had seen a video. (See Sgt. Chadwell's interview pages 5-7 under 2nd interview tab) This creates a contradiction with the statement he gave me in his interview seven days prior. Due to the contradiction, I called Lt. Bush back in for a third interview on August 7th. When asked to clarify the difference in his answers, Lt. Bush said he thought my first interview was only regarding Cpt. Willis. So when I asked about any videos of roll call, Lt. Bush said he thought I meant videos of roll calls about Cpt. Willis. I reminded Lt. Bush that the question I asked was for any videos period of roll calls. Again, he said he had thought the interview was about Cpt. Willis only. (See 3rd interview tab pages 2 and 3). In his response during my first interview, he admitting to knowing of a video out there, but not having seen it personally. This contradicts the explanation he gives about thinking it was dealing with Cpt. Willis as he knew there was no video of Cpt. Willis. Lt. Bush's responses in his first and second interview regarding the video were similar in that he was unsure of a video, so his explanation for his different responses is misleading during his third interview. During the third interview on August 7th, Lt. Bush even went into detail that he advised Lt. Brasfield that one of his officers had violated policy by filming roll calls and that the content of the video was against policy too. (See pages 4 and 5 under 3rd interview tab) Lt. Bush's statement concerning the action he took regarding the video shows that he was deceptive in his first two interviews with Internal Affairs. Sgt. Chadwell then asked Lt. Bush whether he knew about the video during my July 5th interview, and he said yes. (See page 6 under 3rd interview tab) I then asked Lt. Bush if Officer Wiggins had sent him the video and he said yes Officer Wiggins had sent him a picture and two videos (one that was 2-3 seconds long and another that was longer involving a supervisor in the East District roll call room). This contradicts what he told Sgt. Chadwell in his second interview on July 12th, where he told Sgt. Chadwell he did not know who sent him the video. (See pages 5-6 of Sgt. Chadwell's interview under 2nd interview tab) Overall, Lt. Bush made numerous deceptive and untruthful statements during the three separate interviews.)

Seventh Degree—Sustained. (Code of Conduct 2.06—Violations of Rules and Orders) (Degree of severity: A-- The degree of severity is equal to the degree of severity of the violation which the member fails to report, which were Code of Conduct 2.04—Conduct—General and Code of Conduct 2.10—Recording of Communication). Employees of the department shall report to their immediate supervisor any violations of the rules or orders of the Knoxville Police Department by any other employee of the department. Lt. Bush was sent a video from Officer Wiggins via text on May, 19th, 2019. This video was of roll call that day and showed Sgt. Maxwell discussing an inappropriate subject in front of his subordinates. After receiving this text, Lt. Bush failed to notify his

immediate supervisor of both policy violations. However, Lt. Bush advised that he did not notify the supervisor of Sgt. Maxwell and Officer Wiggins, which was Lt. Brasfield.