

**FORMER POLICE CHIEF GIVES HIS OPINION ON THE DEMOTED TOWN AND COUNTRY SERGEANT LAW SUIT:** My friend, who is a former police chief in California and Colorado has read the law suit and offers his opinion.

I read the whole attachment. Here are my thoughts:

1. The most “appropriate” section of the Department policy would seem to be either “unbecoming conduct” or “immoral conduct,” but neither are really defined well. Way too subjective. And I don’t see any documentation/evidence offered by the Department that identified what would be either “unbecoming” or “immoral.”
2. There does not seem to be any existing policy re: fraternization between employees. No prohibition. No indication that the effectiveness of the organization was compromised by the relationship.
3. Who is the complainant? What was the basis of the complaint? Item # 1?
4. Did the female complain? That might make it an entirely different story if she complained, i.e. a “quid pro quo” relationship between supervisor and subordinate.
5. There does not seem to be any factual basis for a complaint. Was the organization negatively impacted? Was there a negative perception of the organization in the community due to the relationship. Did the supervisor make bad decisions, e.g. officer safety, call assignments, due to the relationship? Overlapping vacations, etc. does not seem like real strong evidence of any policy violation, even if you agreed with Item #1.
6. The supervisor completed a poly and was truthful, according to the polygraph examiner. So you can throw out any possible lying in the IA complaint.
7. Item #22 and # 23 in the supervisor’s complaint seem to argue for a not sustained finding in the IA.
8. Interesting question I have: If supervisor is demoted to a Corporal, I would assume he still has supervisory authority over the officer. So has the Department taken the necessary steps to separate the two in the chain of command and/or revised policy to address supervisor/subordinate issues? If not, the same issue could/will arise with the couple or another couple.
9. What I would have done, and I have been through this in CA, was contact the female officer to see if she is the “victim” of a “quid pro quo” forced relationship. Document her response, if a denial. Issue a written “warning” regarding “quid pro quo” and/or preferential treatment to both parties. Revise Department policy to address the issue. Maybe under a City policy of sexual harassment. Which might have been a better, more appropriate and defensible way to go for the PD, but absent any complaint or evidence, still could not be sustained. Separate both parties in the chain of command and prohibit the supervisor from being involved in any disciplinary actions or hearings, explaining to both that the move was to protect both of them. Then monitor the situation moving forward.

Final note: I strongly disagree with the demand for compensation for “emotional distress,” etc. filed by the attorney, although I know that is SOP for attorneys. My opinion- Sergeant will win with a settlement. City has no viable and reasonable defense.

Call me if you have any questions. You will get my bill in the mail soon. \$200/hour consultation fee.