



MEMORANDUM

DATE: October 28, 2020

TO: Michael Carter, Corporal, KPD

FROM: Mike Steigerwald, City Manager

RE: Response to Complaints

COPY: File

Please see my responses to the various issues you've raised to me in our Open Door Policy meeting and in subsequent emails. For your convenience, my responses are in blue font.

I. Regarding my findings on the matters you've raised in your email to me on 10/15/20, most of which were also discussed at our meeting of 8/5/20:

1. DC Schad holding a C & D Squad meeting via zoom, in which he was at his residence and gave the appearance and did not deny (after two references to mixed drinks) having a mixed drink while counseling the squad members on job performance. Those present were Capt Munoz, Lt Berrio, Sgt Mercado, Sgt Popp, Cpl Santone and myself.

I reported this allegation to Chief O'Dell, who then met with the attendees listed above. Captain Munoz indicated he was who initially made the statement as a joke in an effort to lighten up the mood. Lieutenant Berrio did not have any recollection of this Zoom meeting and indicated he's not been party to any situation where he felt DC Schad was drinking during a Zoom meeting. Sgt. Mercado remembers the Zoom meeting but doesn't remember any reference, or indication, to the DC drinking on the call. Corporal Santone remembers the drinking comment coming up as a joke and had no indication the DC was drinking. Sgt. Popp doesn't remember any comment, or indication, about drinking, but recalls the DC behaving normally. DC Schad states he never said he had an alcoholic drink during the meeting and denies having one. There is no evidence to the contrary to support this allegation.

2. The hiring process of Officer Nawful Filali in which he lied on his application about never being in the military, which was found to be false. When the training Sgt (Muenzmay, at the time) and other members of the recruiting and training section

voiced concerns that his application should be stopped, as this and any other LE Agency has done for ages, for providing false information/omitting information. Instead Chief O'Dell forced this section to continue with his process and over-look this issue. – People within the training Division can attest to this, however most won't because they are either in fear of retaliation or being blacklisted and never promoted. When I returned, the recruiting team told me how one-way Chief O'Dell was and wanted only black and minority candidates and it was very apparent and they were powerless to oppose.

After speaking to Chief O'Dell, he recognized there is some belief any omission is grounds for dismissal from the selection process. However, omissions occur occasionally in such an extensive application and background process. In these situations, the Department must use a reasonability test to determine whether the omission was intentional and an attempt to deceive.

For example, if someone left out a dishonorable discharge from the military, the omission would have most likely have been deliberate as it could be grounds for not hiring someone.

In this case, Officer Filali left at the beginning of Bootcamp, citing concerns with his Muslim Faith. The military doesn't consider an individual as having served if they separate before the completion of Bootcamp. Therefore, he never "served in the military" and did not give false information or omit information. As such, the Chief directed his background investigation to continue and would re-assess once complete.

Kevin King administered a CVSA to Officer Filali and determined, "based upon my training and experience, it is my opinion that the subject, Nawfal Filali Fikri, answered all relevant questions truthfully." As with all CVSA tests, a second certified CVSA Analyst reviewed the results. Detective JP Antepara came to the same conclusion as King, finding the subject "responded truthfully to the relevant questions listed above." Including the question "Did you intentionally withhold or alter required data from our employment application?". The results of the CVSA further indicated to the Chief that Officer Filali did not intentionally withhold information in the process.

I find Chief O'Dell's judgment regarding Officer Filali's application to be reasonable.

The second part of your bullet states that Chief O'Dell wants only black and minority candidates, and Recruiting was powerless to oppose. In Chief Massie's almost four years as Chief, we hired 16 white sworn members. In Chief O'Dell's four years as Chief, we hired 15 white sworn members. When discussed with Chief O'Dell he stated that he has never changed his message to the agency or recruiters and reaffirmed that our goal is always to recruit in an effort that puts us in the best position to reflect the community we serve.

The Chief also shared a report from the Florida Police Chiefs Association's Committee on Accountability and Societal Change, which studies the interaction between police and the community. Law enforcement executives, community members, and subject

matters experts sit on this committee, who ultimately published several policy recommendations to law enforcement leaders, including one particular suggestion where “agencies should actively recruit police officers who reflect the demographics of the community.”

I was pleased to see the Police Department has implemented almost every recommendation brought forward in the report, which suggests KPD’s approach towards recruiting is professional and consistent with industry standards. By adopting a philosophy to ensure our officers reflect our City’s demographics for many years now, I believe it puts the agency in a position of great success and is consistent with the City’s overall philosophy.

3. An employee was told and later confirmed by several sources to be true an accurate, that in order to help a family friend, Chief O’Dell had forced the hiring of Tamera Green, who’s husband is a known gang member (with multiple felonies on his record). Mrs. Green was given access to records department databases, giving her access to reports, warrants and other sensitive information (i.e. – Officer’s personal phone numbers and home addresses). This employee was ultimately fired, but originally the Chief had been made aware of this from the training department and background investigator, who both recommended not hiring Mrs. Green because it violated several Policies. Chief O’Dell overrode all this concerns and then she just quit on day without notice. After which she attempted to get rehired, and Chief O’Dell once again backed this, and I believe you had to ultimately step in a say no.

I addressed this allegation with Chief O’Dell, who reported he had no family friends associated with Tamera Green or her family. He says he met her and her husband for the first time at a City-sponsored TrailBlazers Breakfast about a month or two before she applied for the Records position. While he was aware of who her husband was and his arrest history, he was also aware he had turned his life around and was often sought out to mentor young African American men. Mr. Green has been a guest speaker at various NAACP or Osceola Visionary sponsored events, many of which have been sponsored by the City. Tamera’s father is a retired Police Captain with Osceola County Sheriff’s Office, and is currently a Pastor who welcomed Mr. Green into his family as he witnessed his turnaround.

Tamera had nothing in her past that caused concern. Her desire to join the agency was an opportunity to bring in someone who grew up in Kissimmee and diversify our civilian ranks, which had very few African American employees. Tamera would also bring some law enforcement experience, which she obtained at the Osceola County Sheriff’s Office. The Chief says there is no record of her being fired from the Sheriff’s Office and that Tamera’s supervisors report she did a great job while here and was selected by the Patrol Chain of Command, not the Chief, for a CSO position based on her Records Unit performance.

Tamera left KPD because she was having a baby and later wanted to rejoin KPD. She was told she could not be rehired due to the City policy limitation on number of relatives working for the City, as she has several other relatives working for the City. The

question posed to me was whether a part-time employee counted in the maximum number of family members allowed by the City policy, to which I affirmed it did. Therefore, Tamera's ability to be rehired was denied. I believe the actions taken in this scenario are within policy and are consistent with the City's hiring practices.

4. Fraternization - Lt Ian Downing is a close personal friend of Chief O'Dell and in under 7 years (started 2009 – promoted to Lt in 2016) has being promoted 3 times from Officer to the rank of Lieutenant. Downing has golfed and hung out with Chief O'Dell from early in his career, as well as Mrs. Downing & Mrs. O'Dell are good friends and the families often hang out together and at dinners. As a Sgt Lt Downing had a sexual harassment IA (filed by Ofc Santone (now Cpl Santone), as he was still promoted to Lt. within 1 year of that sexual harassment IA – This is the same employee who Chief O'Dell (while DC) tried to promote from Officer to Captain, which to my knowledge you are aware of this, to which Lee Massie prevented before his departure.

I requested a response from Chief O'Dell on this allegation. The Chief admits that he has golfed with Lt. Downing as he has with other subordinate KPD employees, typically at community events. However, he stated that their families do not and have not gotten together for social events. The Chief stated his wife met Downing's wife once at a St. Baldrick's Event, where many other KPD employees and their families attended.

With regard to Downing's quick rise, of the three times he was promoted, Chief Massie promoted Downing twice, once to Corporal, and then later to Sergeant as he scored 100 on both tests. Chief O'Dell promoted Downing to Lieutenant in 2019, several years after becoming Chief. The City Attorney reviewed the complaint you referenced and determined it not to be a situation that rose to the level of illegal workplace sexual harassment, and Internal Affairs investigated the conduct. Chief O'Dell states that he has never recommended to Chief Massie that Downing or any other member of this agency be promoted from Officer directly to Captain. You stated that I was aware of this attempt, but I do not recall this and would request any information you may have to the contrary.

Though I would caution any of my department heads from creating the appearance of favoritism, I do not discourage them from occasionally interacting with subordinate employees at community functions. Based on the information above and the response from Chief O'Dell, I do not believe any preferential treatment was given to this employee.

5. The hiring of George and Schad was an open and obvious favorite OPD hiring. Montgomery position and job qualifications (requirements) was specifically created and detailed to prevent well qualified in-house civilian candidates from being able to apply.

Chief Massie, who never worked at OPD, hired George Montgomery. My recollection in discussing this with former Personnel Director Beth Stefek and former Chief Massie was the creation of this position was done to help improve quality and consistency in training, which I believe has been accomplished. Stefek and then DC O'Dell worked on the training coordinator job description based on one that already existed. The process to fill the position was advertised and conducted in accordance with City policy, and

Montgomery was the most qualified candidate. The same is true with DC Schad's hire. Other than the fact that some may not like these hires, they are not a violation of Policy.

6. *DC Schad not investigation an AEM on (Former Lt Shroyer) – which may appear to be a moot point, however, this is another example of how (at the time friends of Chief/DC), especially staff are protected from IAs that could result in discipline. – Female in Lt Shroyer's unmarked car, when this officer asked Lt Shroyer about the female, Lt. Shroyer commented words to the effect of -she isn't a ride-along, but she is riding my dick. This officer reported the incident to Sgt Loughlin, who reported to Capt Tambasco, who reported up the chain of command to DC and an INOI was ultimately requested by Capt Tambasco. No investigation was ever completed and the officer who reported the incident was told by the Capt that it was handed at a level above him. This incident was later classified as a 'training incident' by DC Schad.*

I inquired about this issue with Chief O'Dell. Chief O'Dell states that he was informed Lt. Shroyer had his fiancé on a ride along, and she had not filled out a ride along waiver. He says he was not aware of the quoted comment, and at the time it was determined the situation would more appropriately be handled by counseling from his Captain. A memo in the file from Captain Tambasco requested the situation be handled via counseling versus formally, and it was approved.

7. *Another AEM/Pursuit not reported/investigated by DC Schad. A reported Pursuit involving Capt Munoz where there is video 5/6/19 - Where Capt Munoz initiates a traffic stop on a vehicle in his unmarked SUV, the vehicle takes off and Capt Munoz is seen in the video pursuing the vehicle. The vehicle ultimately loses control and crashes into a pond. Capt Munoz never completed a report by the end of his shift, which is required per Policy. The IA was never started, DC Schad intervened and said it was considered a 'training issue'. With a Captain, who has assisted with writing several officers up for illegal pursuits? – It was classified as a traffic accident, investigated by our agency (not FHP) and covered up. I now have video of the pursuit, if you care to watch it.*

This issue was reported to Chief O'Dell. He states that this was not ruled a "training issue" as it was determined not to be a pursuit. Therefore there was nothing to be "trained" on. The Chief had not seen any video until 10/19/20 when I forwarded the one you sent me to him, and he has subsequently initiated an Initial Notice of Inquiry. He stated that although the video does support how the incident was described to him, because the vehicle pauses/stops briefly in the parking lot before making a left turn towards the front of the building, he wants a further review of the incident for potential policy violation. I will reserve judgement on the merits of this issue until the Chief has had an opportunity for further review.

8. *A reported pursuit that occurred on 8/9/2020 where an officer witnessed a possible B/E in progress, the vehicles blacked out and took off at a high rate of speed, the officer pursued (for quite some distance) trying to get a license plate, the officer was advised this was an illegal pursuit (non-violent Felony against policy). Later, this was dismissed as a "training issue". – This Officer just happened to be one of the many Hispanic and Black officers, that were pulled out of briefing and forced to march in the BLM Protests. This officer (and a few others) verbally to their chain of command made it clear, they felt singled out due to their skin. Chief O'Dell meet with most of the officers that complained*

and apologized, and blamed Capt Munoz for that action and stated it would happen again. – Then you have this officer in a clear illegal pursuit a few weeks later, and it doesn't turn into an IA, it miraculously found to be a 'training issue' – Similar to how DC Schad made Capt Munoz' pursuit a 'training issue'.

I reported this issue to the Chief and he checked with Deputy Chief Schad and Captain Succi, who are both unaware of this incident. They also checked with both the Midnight Shift Lieutenants (Berrio and Garcia) on Patrol and they are unaware as well. Please provide your chain of command with additional information so they can look into the incident accordingly.

9. At least two, employees being advised they could not talk with city hall not use Open door policies unless ran through chain of command.

From, my notes you said that DC Schad and Capt Munoz were the ones who said this. Chief O'Dell recalls discussing similar statements involving various staff members with several employees over the years, and in response has clarified with his staff that he would not tolerate this. However, he states that he has also made it clear to employees that operational issues should be brought first to their chain of command so they can have an opportunity to address them. For any personal issues or an issue specifically involving the conduct of their chain of command, employees should pursue the open door policy directly. He said he's also advised anyone who was told something to the contrary to come straight to him.

Though the Chief's messages may have been meant for his open door policy, the same would apply to anyone coming to me. The City has a long standing commitment to a productive work environment and all employees are informed during their annual evaluation of their right to report concerns to any member of management. The Chief's additional communications, past practice and my known practice of being available to speak with any employee is evidenced by the many employees who have exercised this right in the past.

If there are other employees you know of who were told this and have not addressed this issue with the Chief, please direct them to do so. They are also welcome to contact me.

10. Unethical and illegal practices against City Pay Policies - Certain female employees being allowed to work at home and attempted to Accrue comp-time, while in this status. Officer being allowed to work on duty – while getting paid to perform a secondary job while on duty. When this was brought to and addressed to the Chief, the employee was told he should not question the Chief's decision and to sign the payroll exemption sheets.

It appears from my notes from my conversation with you and in talking with both Jeff Tambasco and Chief O'Dell that this is regarding Shannon Taylor and Whitney Karlskin. The Chief confirms that every pregnant female at this agency was sent home to telework during the pandemic. One of the two pregnant females in the Comm Center had just learned she was pregnant and went to her doctor about returning to work. The doctor indicated she was safe to come back to work so she was allowed to. The Chief

didn't know what you are referring to with regard to someone trying to accrue comp time while teleworking since he doesn't review timesheets and nobody has brought it to his attention.

The issue concerning the secondary job involving Karlskin, an SRO who didn't want to be put on light duty during her pregnancy. The Chief met with her and advised he was concerned about her being pregnant and responsible for the safety of her school. The Chief spoke with the City Attorney about placing her into an alternative assignment away from school security. The City Attorney indicated it was within his rights to change her assignment and place her on office duty. The Chief met with Karlskin again and agreed she would come back to work in CID. She is also one of the track coaches at the school and gets a stipend for that work, as do any individuals who coach at the school. Captain Tambasco brought it up as he was leaving and DC Schad looked into it. Coaching track was after her work hours and treated the same as any other secondary job or detail. The Chief said there was never a conversation about a payroll exemption sheet, nor any conversation about his decision on the matter.

11. Another employee feels discriminated against, due to being openly gay but because she does not spend time around the Chief or D.C. and isn't a 'glamour cop' she has repeatedly been passed over for promotions (and has 4 year college degree) and has no recourse, but to keep quiet and keeps scoring high on the exams. This employee stated they were in fear of retaliation from both DC & Chief, and cannot risk them putting bad paperwork in this employee's file, which will prevent this employee on their next career. Threats and dirtying someone's personnel file is a common MO for this duo.

The City of Kissimmee does not tolerate any form of discrimination and takes swift action when such wrongdoing has occurred; however, it would be difficult for the Chief or myself to look into this issue without speaking to the individual in question. I would encourage this employee to report any alleged discrimination per our Policy to the Chief, Human Resources & Risk Management Director, or myself. I would also encourage this employee to have a conversation with the Chief regarding any decisions made in the past to promote others during previous attempts at promotion, as I suggested to other employees who have raised concerns on promotions. To date, none of the employees who have met with the Chief have reached back out to me with any concerns over retaliation as a result.

II. There are a few other issues raised in our meeting on 8/5/20 and in your emails from 9/14/20 and 10/15/20 that I felt also needed review and response:

1. You state that on 9/14/20, "due to harassment from DC Schad all on miss directed information, I felt forced to file the complaint with USERRA which has launched their investigation, and I cannot discuss for obvious reasons".

Since you mention harassment, threats, and retaliation multiple times throughout the email and in our meeting, I felt it important to review the matter raised in your 9/14/20 email. I was told by Chief O'Dell that DC Schad tried to have a conversation with you to bring in your medical information. In an email from you to Sgt. Putriment, you replied to a request to recertify in your Defensive Tactics training and specifically stated that you were unable to attend because you had an ongoing back issue. This is consistent with

what Captain Munoz indicated you had told him in your conversation at the extra duty job. The email from you to Putriment is dated the exact same date you and Wilson had the conversation. It would be irresponsible for KPD leadership to not follow up out of a concern for your safety and that of other officers in this matter. I therefore don't see actions taken in this matter as harassment but more of a response to your disclosure of medical limitations and the impact of these limitations on you and other officers.

2. In your 10/15/20 email, you also state "I was just wondering if you have had time to look into these matters, as some of the employees that reported these incidents (and are still unwilling to come forward and wish to remain anonymous because of fear of retaliation) are wondering if once again nothing is going to be done with allegations of employee misconduct, by staff, which have been reported to you".

You are implying that employees have come to me in the past, and nothing has been done. Besides you, I have only been approached by three current employees. Two current employees shared concerns over their specific promotions. Because they did not exercise their right to appeal the decisions in accordance with the City's grievance process, I made it clear there should be no expectation that I would do anything more than look into the methodology of the decisions being made by KPD's administration. I addressed their concerns with Chief O'Dell, who had conversations with both employees before they met with me. As a result, Chief O'Dell was concerned enough over the perception of the promotional decisions that he put out a department-wide email and video on 9/23/20, addressing his reasoning and approach to selecting candidates for promotion.

The third employee I met with shared concerns over his feeling of being targeted with two IA's and badgered by DC Schad over his attitude. One of this employee's IA's was sustained, and the other was not, and absent him filing a grievance per the City policy, there's nothing I can do to intervene in his case. With regard to his comments about DC Schad's communication approach, I have discussed this with the Chief as a concern. However, the employee also admitted to me that he probably did display a poor attitude as he was tired during the period in question due to him moving his family to a new home.

Aside from those current employees, you shared a list of former employees with me in our August 5 meeting, who you suggested I contact. After further thought, it is not my intention to seek out former employees to solicit comments. Every departing employee is given the opportunity through Human Resources to submit a written Exit Interview Form to me and/or meet with me on any matters. This exit interview happens routinely citywide and many employees, including those in KPD, have taken advantage of this opportunity to communicate their experience as an employee.

Specifically, Lewis, Moore, and Tambasco were high ranking individuals who resigned. I was fully aware at the time of their departure why each left, and out of respect for them I will not share those circumstances. None of them submitted an Exit Interview Form or met with me on any matters leading to their departure. I see Moore regularly, and I am connected with Lewis on social media, so they both know they can contact me anytime. Tambasco did reach out to me on a few of the specific issues raised above before I met with you. He referred me to Stinson regarding his concerns over DC Schad, and I have

since found out that Stinson met with Chief O'Dell to share his concerns prior to his departure. The Chief addressed Stinson's concerns and since I don't question Stinson's perception of any of the incidents outlined above, I don't see the need to obtain further details from him at this time.

3. You reported to me at our meeting on 8/5/20 and in an email dated 8/26/20 that you felt that "the Pacific Institute Americas LLC and the owners of Federal Eastern and SRT (Dan & Sally Hayes) are possibly linked together. The Hayes are personal friends of Chief O'Dell and Federal Eastern & SRT is where the PD buys most of its supplies".

I have looked into the possible connection between the Pacific Institute's ownership, the Hayes and staff and have not been able to substantiate your claim. I asked Chief O'Dell about any connection and he confirmed that he is a professional acquaintance of Mr. and Mrs. Hayes and that they made him aware through their professional channels of the services that the Pacific Institute provided to both corporate and governmental clients. As I stated to you in our meeting, the process to select Pacific Institute was conducted in accordance with state law and City policy, with involvement from both the Procurement and City Attorney's offices. In addition, Federal Eastern and SRT's services were also secured via appropriate procurement procedures.

4. Finally, you comment that "employees who have reported the above incidents, some of them feel it is time to get the media involved, since there has been no apparent action from City Hall, on issues violate city policy."

Almost every allegation you raised concerns a situation that arose while you were on military leave, to which you were not a witness to, nor have first-hand knowledge of. Yet as you can see above, Chief O'Dell and I took the time to address every situation you raised that we had enough information to act upon. There are still several issues that you raised that warrant further inquiry and will be reviewed if additional information is provided.

However, based on the matters I have thus far been able to conclude, I do not concur with your conclusion that Chief O'Dell and his administration violate policies, cover things up, or rules by fear and intimidation. The discussions I had with the three current employees who came to me do not substantiate that belief either. The one former employee who did reach out to me resigned to avoid an investigation, so it is difficult for me to believe that his comments don't come with some form of bias.

If the individuals you have spoken to still feel the need to contact the media, it is their right to do so. However, it is my hope that any employees who still have concerns will communicate issues directly to me or Chief O'Dell in a timely and resolute manner to ensure fair and proper inquiries are conducted. It is only in this manner that any issues, whether they be perceived or real, can be appropriately addressed or clarified to ensure a positive work environment and a successful organization.