

Investigative Report



City of Fort Worth Police Department Report of Findings & Recommendations Complaint Investigations

Presented by
Coleman & Associates Consultants

Investigative Report



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Introduction

Coleman & Associates Consultants (CA) was contracted (Fort Worth Contract Number 45154) to identify the issues that created and/or were driving the allegations of race-based discriminatory treatment and harassment in the City of Fort Worth Police Department. The goal was to seek and find the facts and report them so that appropriate action can be recommended to create a wholesome, harassment-free work environment.

Three complaints were filed: one by a first line supervisor in the Police Department, the second by a second level supervisor in the Police Department, and the third by an officer of the Fort Worth Black Police Officers Association (FWBPOA). Individually the complaints alleged race-based discriminatory treatment and harassment by supervisory and senior level officers, and relevant Chain of Command members. While some treatment patterns were indicated in more than one complaint, the allegations as a whole may not necessarily be considered worthy of class action.

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Process

Face to face meetings were held in the City Manager's office in which the City Manager Tom Higgins, Assistant City Manager Charles Daniels, Chief of Police Jeffrey Halstead, and Coleman & Associates Consultants were present. The direction from City Manager Tom Higgins was to find out what issues existed that were driving the allegations of race-based discriminatory treatment by the City of Fort Worth Police Department. Chief Halstead discussed the issues related to the complaints/grievances involving two of the named complainants. The Chief stated that he had met with one complainant in June 2013 and advised him that he (Chief Halstead) had "failed him and that the Fort Worth Police Department had failed him" as well. Chief Halstead continued by stating that as the Chief of Police, he primarily deals with the community, and his Assistant Chiefs deal with the department issues. He advised that he would provide any information we needed, that his personnel (sworn/non-sworn) would be made available, and that any request for information be made via his office. He stated that he would assign an individual from the Chief's office to coordinate any request for data or personnel. Chief Halstead welcomed our assistance and **CA** moved forward.

After **CA** reviewed the allegations presented in each complaint, documents were requested to help with understanding the organizational context. The lead focus was on the policies, procedures, practices, and structure aimed at general administration and leadership of the department, and identifying the steps and processes that might be available to address the allegations of race discrimination and harassment. **CA** wanted to know if there were sufficient policies and procedures in place to safeguard against harassment and discrimination in the department. The Chief of Police committed to having staff available to respond to requests for data and interviews. **CA** requested to interview individuals who may have had direct insight and familiarity with the subject complaint issues and related relationships. In addition, department staff accommodated **CA**'s request to interview individuals or witnesses who may have had knowledge of the issues presented in the complaints.

Persons Interviewed

CA requested and sought to confirm 26 interviews. Of the 26 people originally sought, 24 were scheduled for interviews, 23 were actually conducted, and there was one person scheduled, but did not attend the interview session. Two interviews were requested, but the invitations were declined. The breakdown of those interviewed showed:

- 16 men
- 7 women
 - 10 Blacks (Men and Women)
 - 12 Whites (Men and Women)
 - 1 Latino (Man)

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Again, there were two additional interviews requested, but the invitations were not accepted. Both of those individuals were retired, and they were under no obligation to participate. The intent of the interviews was to gain insight that the available rules, policies, procedures, and laws were known, observed, or used as part of the process to determine legitimacy of the complaints, and for bringing resolution to those complaints.

Nature of the Interviews

Each of the interviews lasted approximately 45 minutes. All the interviews were held in a location independent of City of Fort Worth facilities. In part, the interviews stressed privacy and confidentiality to assure that there would be no need to fear retaliation for the employees' involvement in the investigation process. CA asked the persons interviewed to sign an "Investigation Notice Form," which included a statement that CA would maintain the confidentiality of information shared in the interview, and that they would commit to maintain that confidentiality as well. The interviews were based on a series of standard questions. Other questions were prompted by responses to the standard questions.

The line of questioning extended as follows:

- Tenure in the department,
- Current and previous work assignments,
- Knowledge of events and circumstances related to the complaint(s),
- Knowledge of efforts by complainants to seek relief or mitigate issues surrounding the complaint(s),
- Knowledge of the dynamics in the department surrounding the complaint(s),
- Knowledge of complaint issues influencing individual and work group productivity,
- Knowledge of rules, procedures, practices, laws that might govern behavior alleged in the complaint(s)

Investigative Process Activities

The investigative process involved:

- Review and discussion of the behavior involved in the complaint presentations,
- Review of the actions that were required as outlined in the appropriate and relevant statutes and guidelines,
- Review of the actions that were taken or not taken as a response to the attempts by the complainant(s) to use internal resources to mitigate the circumstances, and find relief from the perceived harassment, intimidation, and other acts contributing to a Hostile Work Environment.

The complaints filed by Complainant One, Complainant Two, and Complainant Three were reviewed, considered and investigated based on the following:

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- City of Fort Worth Non-Discrimination policies
- City of Fort Worth Harassment-free Workplace policies
- City of Fort Worth Non-Retaliation policies
- State Civil Service Rules
- Fort Worth Police Department General Orders
- Fort Worth Police Department Code of Conduct
- Title VII of the 1964 Civil Rights Act
- Executive Order 11246, as amended

Of these statutes, Title VII of the 1964 Civil Rights Act is the more stringent. The City of Fort Worth General Orders provides the more specific statement of protections and requirements governing behavior characterized in the complaints.

Title VII of the Civil Rights Act of 1964 was the first federal law designed to protect most U.S. employees from employment discrimination based on an employee's (or applicant's) race, color, religion, sex, or national origin. Title VII also established the U.S. Equal Employment Opportunity Commission to assist in the protection of U.S. employees from discrimination. Other agencies such as the U.S. Department of Labor, the U.S. Justice Department, and other federal administrative agencies share in the enforcement of these provisions for equal treatment in employment settings.

Equal employment opportunity was further enhanced when President Johnson signed **Executive Order 11246** on September 24, 1965, created to prohibit federal contractors (with \$10,000 or more in federal contracts) from discriminating against employees on the basis of race, sex, creed, religion, color, or national origin. This provision extends to any organization, group, local or state government agency receiving federal funds to support and manage programs and services each agency offers. The Executive Order parallels Title VII in its coverage.

Equal employment opportunity is a law that prohibits discrimination against persons on the basis of sex, religion, color or nationality. Title VII applies to employers with 15 or more employees, including state and local governments.

It is upon this premise that this investigation was launched and conducted – to ensure that fairness and equity of opportunity are afforded all employees in the Fort Worth Police Department.

Fort Worth Police Department's Code of Ethics and General Orders

Some of the basic tenants in the Police Department's Code of Ethics specifically state, that sworn officers have the fundamental duty to:

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- Serve society, safeguard lives and property, protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder, and to respect the constitutional rights of all people to liberty equality, and justice.
- Be mindful of the welfare of others, honest in thought and deed, exemplary in obeying the laws of the land and the regulations of the department, never to act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions, and to enforce the law courteously and appropriately without fear of favor, malice or ill will.
- To recognize the badge as a symbol of public faith and trust to be held, so long as they are true to the ethics of the police service. To constantly strive to achieve these objectives and ideals, dedicating themselves before God to their chosen profession—law enforcement.

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Detailed Information Pertaining to Each Complaint

Complaint One

Complaint Allegations & Issues

Complainant One filed the following complaints:

- May 7, 2013 allegation - Inappropriate Conduct in the Workplace.
- June 21, 2013 allegation - This complaint alleged Harassment in the Workplace.
- June 11, 2013 Complaint packet filed with the City of Fort Worth Human Resources and Civil Service Director.

A critical and essential part of the investigation of the complaints involved conducting interviews with members of the department who may have had knowledge of the issues and challenges relating to interaction between Complainant One and A-One. These witnesses, numbering approximately 30 individuals, were recommended by the City of Fort Worth and the Fort Worth Police Department. The group of interviewees was comprised of 16 men and 7 women, of whom 10 men and women were Black, 12 men and women were White, and 1 man was Latino. Again, interview scheduling was coordinated by Fort Worth Police Department staff.

Each interview was scheduled for approximately 45 minutes. An initial interview was conducted with Complainant One, with one follow up interview session. Similarly, an initial interview was conducted with the Chief of Police, and we also conducted a follow up interview. In each case, the follow up interviews were focused on clarifying details and obtaining additional information for confirming or refuting information obtained in interviews with other "witnesses."

There is compelling evidence that Complainant One made numerous attempts seeking, through internal and departmental channels, the resolution of the events, behavior and workplace conditions that were the subject of the complaint filed. The complaints formally filed by Complainant One met the general test of standing with Title VII of the 1964 Civil Rights Act, and it appears the complaint, as presented, met the general test of the City of Fort Worth and the Fort Worth Police Department's policies for filing grievances and complaints alleging wrong doing and discrimination. In the complaint, Complainant One reported there were numerous acts perpetrated by A-One which continued after Complainant One reported the inappropriate behavior to his immediate supervisor, and up through the Chain of Command.

CA found that the complainant continued to pursue support by using the department's internal complaint or grievance procedures and got no resolution of the issues presented in Complainant One's complaints. Essentially, complainant's obligation to report the incidents to his Chain of Command immediately were satisfied. The fact that the process did not proceed after complainant filed the complaint with his supervisors and the Chain of Command should satisfy his

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obligation, therefore placing the burden for action upon the City of Fort Worth and the Fort Worth Police Department.

The complaints filed by Complainant One are all interrelated, presenting allegations that are continuous and overlapping, and were reviewed and investigated based on City of Fort Worth rules and procedures, state Civil Service guidelines, Fort Worth Police Department General Orders, and Title VII of the 1964 Civil Rights Act, and Executive Order 11246, as amended. The Act, Title VII, further stipulates that, beyond its essential prohibition against discrimination in the fundamental terms and conditions of employment, “unlawful retaliation for protected opposition to suspected discrimination” must show that “but for” the acts of retaliation as the “motivating factor” for the action, the employee would not have experienced the adverse discriminatory treatment.”

Complainant filed the complaints after experiencing ongoing hostile, and aggressive treatment at the hands of a peer supervisory officer, and other officers in the Traffic Division, to which Complainant was assigned. His complaint further alleged negligence on the part of his formal Chain of Command to take action to stop the abuse as is the direction of the department’s General Orders. From the first incident, and three years later, Complainant experienced continuous harassment that he considered retaliation for speaking out against behavior of other officers contributing to a “hostile work environment” which continued for the next three years.

When interviewed, the Chief of Police did not present information that countered the allegations made.

Findings

1. It was reported that the complainant identified as Complainant One indicated that supervisors stated they would “look into” the allegations presented in his formal complaint. This was brought to the attention of the members of his Chain of Command in 2011. It was also stated that the Chief told the Complainant, in a later meeting in June 2013 with the Chief, that he (the Chief) had failed him, and the Chain of Command failed him.
2. In a separate interview in 2014 with a high ranking officer, the incidents and the statements attributed to the Chief of Police by the complainant were confirmed to have occurred as presented by the complainant.
3. Complainant One was repeatedly subjected to behavior that was hostile, intimidating, and, bullying, and it was done publically over a period of more than three years.
4. The behavior was demonstrated with the knowledge of supervisors, other employees in the Traffic Division, and the department’s Chain of Command.
5. Complainant One presented concerns about the demeaning, hostile, intimidating behavior to supervisors and the Chain of Command formally in person, and in writing on multiple occasions over the three year period.

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6. On one occasion, members of the complainant's Chain of Command indicated they would "look into" his allegations. In addition, in a meeting in June 2013 with the complainant the Chief of Police reportedly told the complainant "I have failed you and will make things better." This statement was confirmed in a meeting with other department supervisors, and it was stated by the Chief of Police in the meeting that involved the City Manager, Assistant City Manager, and CA representatives.

Complaint One Summary

The filing of the complaint by Complainant One occurred after numerous, documented attempts to seek assistance through internal challenges in the Fort Worth Police Department to relieve and mitigate the effects of the conflict between Complainant One and A-One. Complainant's attempts to get assistance from the Fort Worth Police Officers Association and Fort Worth Black Law Enforcement Officers Association, after pursuing relief from the Chain of Command showed little to no relief. In addition, top management in the department knew of the conflict between Complainant One and A-One, but did not intercede to successfully mitigate the disruptive and disparaging conflict. The insulting, demeaning and offensive behavior from A-One directed toward Complainant One continued, in part because the department leadership failed to take directed action as required by General Order 429.01 and General Order 708.00.

Complainant One experienced repeated antagonistic encounters, and he experienced hostility and harassment by A-One and others. A-One engaged in initiating false accusations of wrong doing, name calling, campaigning to turn others against Complainant One, encouraging Complainant One's peers and direct reports not to work with Complainant One, or for Complainant One thereby marginalizing and undermining his supervisory effectiveness. In addition, in the interviews conducted, A-One made statements that were demeaning about Complainant One and other Black supervisors, and Black members of the Chief's staff. This behavior was repeated and continuous by A-One. The department's management, throughout this three year period, failed to fulfill their responsibilities to eliminate counterproductive behavior from the work place as required in the department's General Order 708.00. While the conflict was well known throughout the department, it was acknowledged in the interviews that upper management was aware of the ongoing nature of the matter, but did not step forward to stop the conflict – allowing the continuation of behavior contributing to a "hostile work environment" conditions.

The timing of the "harassing behavior" by A-One which was not stopped by the Chain of Command presented a situation that was not only consistent with the definition of a "hostile work environment" It was reported in the interviews that there were occasions where tension between Complainant One and A-One was so intense that the potential for physical aggression and altercation appeared imminent. The environment, created by the conflict between Complainant One and A-One, was such that others who shared the work environment became fearful for their

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safety as well, though they were not directly involved in the conflict between Complainant One and A-One.

The challenges presented by the conflict between Complainant One and A-One showed repeated evidence that race was at the core of the differences. This position is based on information obtained in interviews alluding to public statements made by A-One regarding the race relevance of Complainant as well as Blacks who were supervisors and Command Staff members in the Fort Worth Police department. This notion was carried through in other actions in the department involving other Black supervisors and managers. Interviews presented information that when Black supervisors and managers attempted to intervene to stop the Complainant One/A-One conflict, some Fort Worth Police Officers Association (POA) members and other white officers and supervisors second guessed these Black supervisors, and did “end runs,” which by departmental policies and General Orders would be considered insubordination. This kind of behavior was recurring, and it appeared to have been acceptable in the department’s culture.

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Complaint Two

Complaint Allegations & Issues

The complaint was filed with the City of Fort Worth Human Resources Department, Employee Relations Division on July 3, 2013 alleging discrimination affecting the officers of the Fort Worth Black Police Officers Association. The complaint indicates the act of discrimination occurred in February 2013.

The timing of the filing of the grievance/complaint with Human Resources would occur within the 180 day time limitation set forth by Title VII of the 1964 Civil Rights Act, one of the statutes or standards under which the complaint was investigated. The complaint alleged that the Chief of Police is the wrongdoer in this case, and that the basis for the discrimination is race.

The executive leaders and officers in other associations in the department have had open invitations to meet with the Mayor, City Manager, and the City Council, the complaint alleges the Chief of Police accused the executives of the FWBPOA of violating the conditions of the “Meet and Confer” Contract when they attempted to engage in similar meetings with City Officials. Although the Chief confirmed in a subsequent email dated March 4, 2013 that “there was no evidence of a violation of the Meet and Confer Contract,” the Chief of Police did not close the investigation.

As the investigation, which was initiated by the Chief of Police was continued, one of the FWBPOA officers was ordered to Internal Affairs to provide a written statement explaining knowledge of the meeting with the Assistant City Manager. This officer was ordered to submit his personal cell phone to internal affairs. It was reported that the purpose of the order was directed toward obtaining any telephone call information, messages and voice messages that may have been made to, or received from the Assistant City Manager. The individual to whom this demand was made was not one of the FWBPOA members who attended the meeting with the Assistant City Manager. This type of action and extent of ordering cell phones to be turned over without just cause or warrant is more customary in criminal investigations than in the investigation of suspected administrative violations. It was reported that the named complainant, President of the FWBPOA, was also ordered to the Internal Affairs Division and required to provide a statement and “subjected to an interrogation regarding the conversation” with the Assistant City Manager.”

The complainant’s document further alleges that the approach taken by the Chief of Police in seeking to resolve the question of a possible Meet and Confer Contract violation was inappropriate and excessive. The approach specified by policy and state statutes are found in Articles 7 and 8 of Chapter 143 of the Texas Local Government Code. It is believed by the Complainant that ordering the Internal Affairs investigation, while it yielded no finding of contract violations, sends a “chilling message to minority officers” who may desire to affiliate with FWBPOA.

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Complainant further asserted that when the Chief of Police alleged FWBPOA officers violated Meet and Confer, it is indicative that “race relations in our department must be addressed.”

Findings

1. It was stated that the Chief stated “they (FWBPOA) were in violation of Meet and Confer when they met with the Assistant City Manager.” It was reported that the Chief had been informed that, with good confidence the meeting between Complainant Two, the FWBPOA, and the Assistant City Manager did not violate the Meet and Confer contract.
2. During the interviews, it was stated that the Chief indicated “his issue was not with the FWBPOA officers but with the Assistant City Manager.”
3. It was also stated that the Chief ordered the POA president to file a complaint with SIU even though there was information supporting the fact that the meeting between the Assistant City Manager and FWBPOA officers was not in violation of the Meet and Confer contract.
4. The Chief of Police, when interviewed, did not present any statement refuting the events described.

Complaint Two Summary

The relationship between the Chief of Police and the FWPOA is special in that it is outlined in the Meet and Confer contract with the POA being the “recognized bargaining agent.” The POA is the organization that will represent police officers in matters pertaining to the terms and conditions of employment with the local jurisdiction. In that role they will likely meet with the Chief of Police as the sole representative of police officers.

There are clear procedures outlined in the specific sections and articles of Chapter 143 of the Local Government Code that address possible violations of the Meet and Confer contract. The utilization of the Internal Affairs Division to investigate this issue for possible violations is not consistent with the letter or the content of the provisions in Chapter 143. This approach to addressing the alleged violation may have had a negative effect on the relationship between the police chief and the FWBPOA. The continuation of the investigation, in light of confirmation that the meeting between The Assistant City Manager and the association officers represented no violation of Meet and Confer.

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Complaint Three

Complaint Allegations & Issues

This complaint was filed with the Director of the City of Fort Worth Human Resources Department on July 18, 2013. In the complaint document, Complainant Three raised the concern that the race-based different treatment he experienced began in 2010, after Complainant One reported to him that a racially insensitive photograph had been placed on his desk. In keeping with departmental policy and procedure, Complainant Three told Complainant One's immediate supervisor, A-Four, and also informed A-Five who was also in Complainant One's chain of command about the incident. It was recommended that the incident be reported to the Internal Affairs Division. Complainant Three, at the time, was assigned to the Traffic Investigation Section located at another facility away from the Traffic Enforcement Section, which was Complainant One's assignment. Once the incident with the "Snowman" was investigated, it was revealed that A-One, A-Two, and A-Three were prominently identified as active participants in the incident.

As a result of the investigation, it was reported "all three sergeants received some form of discipline." However, in the **CA** review of the documentation, and in interviews conducted, only two of the three sergeants appeared to have received discipline. **CA** did not find any record of discipline taken against A-One as a result of his participation in this incident. Complainant Three was later transferred to the Traffic Enforcement Section and placed over the Traffic "STEP Grant" program following the arrest and criminal indictment of several traffic enforcement officers under the command of A-Four. This process also resulted in A-Four being transferred out of the Traffic Division. Complainant Three then became the Lieutenant over all of the Traffic Division. A new Standard Operations Procedure (SOP) was created for the STEP Grant". Complainant Three and A-Five subsequently offered the position of grant supervisor to all the supervisors in the Traffic Division. A-Five and Complainant Three selected Complainant One to supervise the Grant after the other supervisors declined to accept the responsibility.

The complaint presented by Complainant Three referenced a conflict situation between W-One and A-One that existed under A-Four's command which occurred prior to the assignment W-One to the enforcement section. Complainant Three went on to suggest that the officers in the Traffic Enforcement Section notified him that W-Two had mistreated them. Based on the information provided to him by the officers, Complainant Three initiated an Internal Affairs investigation. As a result of the investigation, it was found that W-Two violated General Orders 703.00 "Professional Conduct" and 702.00 "Conditions of Employment" and was transferred out of the Traffic Division.

Complainant Three indicated that A-One's deficient performance was discussed and pointed out to him on two separate occasions. On the second incident, A-One was issued a written "One on One Counseling" session. Complainant Three went on to state that A-One responded by stating "You need to tell A-Seven (who is Black) he needs to pick his battles carefully", and then walked out of the office of Complainant Three. Complainant Three notified A-Five of A-One's statement.

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Complainant Three stated he documented both discussions with A-One and that the threatening comment was noted in A-One's evaluation.

Conflict between W-One and A-One continued, and Complainant Three issued a verbal "Coach and Counseling" Session to both supervisors. A-Five was aware of the conflict, and he also informed W-Two and A-One that if it continued they would be transferred. Complainant Three also mentioned that he, A-Seven and A-Five were asked by Complainant One if they knew that A-One had filed an anonymous complaint against him. They advised him that none of them had any knowledge of the complaint.

Complainant One later submitted a Hostile Work Environment Complaint against A-One, and A-Five was also notified. Complainant Three stated that he turned the complaint over to Internal Affairs. Shortly after submitting the complaint to Internal Affairs, Complainant Three indicated in his complaint that he was advised that a meeting was held with the Chief of Police and A-Six where the subject was to complain about A-Seven and Complainant Three. A-One, A-Two, and A-Three (were involved in the "snowman" incident) also attended the meeting. The meeting was later confirmed by A-Six who stated that he was assigned to the Traffic Division to "keep an eye on Complainant Three."

Approximately one month later Complainant Three referenced a meeting A-Six held with all of the traffic supervisors except him. A-Six told him not to attend the meeting. It was later learned that A-Six referred to Complainant Three during the meeting in front of subordinate supervisors by making "belittling and negative" comments about Complainant Three. It was stated that one of the supervisors was so upset with the situation, he went in to meet with the Chief "the next day." Complainant Three also mentioned that in a meeting Complainant One attended with the Chief, the Chief indicated that he had failed him as a supervisor, and everything that was happening to Complainant One was "my fault" (Complainant Three's fault). It was stated that in that same conversation, the Chief revealed that he himself had failed Complainant One as well. It was during this conversation that the Chief informed Complainant One that he was "going to transfer me (Complainant Three) immediately out of the Traffic Division." It was reported that when Complainant One told the Chief that "transferring me (Complainant Three) would be a great disservice to the Traffic Division". It was reported that the Chief told Complainant One "not to tell me (Complainant Three) about the transfer because he may do something different."

Findings

In the interviews conducted by CA:

1. It was found that the statements attesting to the Chief's desire to have Complainant Three transferred out of the Traffic Division were conflicting. The Chief indicated he wanted

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decisions of that nature delegated to the Captains, and in private interviews with others, it appears the Chief openly expressed his desire for Complainant Three to be transferred.

2. It was learned that A-Six had begun interviewing candidates to fill the Lieutenant's position while Complainant Three was on vacation, and had no knowledge that the selection for his (Complainant Three) replacement was underway, nor that the decision had been made to transfer him out of the Traffic Division.
3. A-Six failed to communicate to Complainant Three his impending transfer outside of the Traffic Division. Standard procedure and practice had been to transfer personnel for just cause, usually due to some major disciplinary issue. It had also been the department practice to inform an officer of a transfer prior to the action being taken.

Complaint Three Summary

Complainant Three was transferred out of Traffic Division. Based on interviews conducted by **CA**, division supervisors and the Chain of Command did not fulfill its duties and responsibilities for immediately and promptly addressing a highly volatile situation (between A-One and Complainant One). The failure to act allowed the behavior to continue for nearly three years. The evidence pointed to the widespread knowledge of the situation involving Complainant One and A-One, but it appeared that efforts to manage the situation were avoided.

Information obtained in other **CA** interviews revealed that it appeared that A-One had a far-reaching effect on the department and its members in that it was feared that he (A-One) was untouchable, and that "he could make your life miserable." The Chain of Command not only failed Complainant One, but also failed Complainant Three as well. When Complainant Three brought forth issues and possible remedies to the ongoing, continuous, and damaging effects of the harassment and hostile environment created by A-One, Complainant Three was not supported by his immediate supervisor.

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Overall Findings

Based on the interviews conducted, and the review of the policy documents it was revealed that:

1. Formal complaints were presented to supervisors alleging hostile, intimidating behavior. The complaints alleged in writing that the behavior occurred on multiple occasions over the three-year period.
2. From the interviews conducted with the Fort Worth Police Department's sworn and non-sworn personnel, there was a consistent theme that complainants were repeatedly subjected to behavior that was hostile, carried out publically over a period of more than three years, and witnessed by higher and lower ranking officers.
3. The behavior, as described by the staff interviewed, indicated that intimidating behavior occurred with the knowledge of supervisors, other employees in the Traffic Division, and witnessed by higher and lower ranking officers.
4. The Traffic Division supervisor, the one accused of harassment, was also accused of making denigrating statements about Black employees and supervisors, with one of the statements suggesting the complainant "was not in jail because he was Black."
5. An action taken to stop the hostile work environment conditions involved transferring the employee identified as the perpetrator of the "wrongful acts" and the complainant. The complainant was reassigned, with no options, to a shift and assignment that was typically relegated to employees with less rank and tenure.
6. The timing of the assignments or reassignments of another supervisor might lead one to conclude that the action was taken as a response to the supervisor having "participated" in the process of a complaint filed by Complainant One.
7. An investigation of the officers of the Fort Worth Black Law Enforcement Officers Association was initiated reportedly because of a meeting that allegedly violated state civil service rules governing the "Meet and Confer" contract. This investigation was assigned a unit typically dedicated to investigating allegations of criminal violations.
8. In interviews with other officers, and statements made by supervisors in the Traffic Division described the social and physical acts of harassment. One statement was insulting and denigrating of Black supervisors in the department. One of the statements attributed to another Traffic Division supervisor who indicated publically that the Complainant "was not in jail because he was Black." This statement referenced allegations made by this supervisor who alleged that the Complainant was mishandling STEP funds.
9. The department provided information stating that the department's response to the complaint of harassment and hostile work environment conditions involved transferring the employee identified as the perpetrator of the "hostile acts" — and the complainant — out of the Traffic Division.

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10. One supervisor, when interviewed, indicated that the supervisor accused of perpetrating the hostile and offensive acts had been telling other officers and staff to not work with Complainant One. This type of behavior, when acted on, may present a safety challenge.
 11. In interviews with sworn and non-sworn personnel, interviewees expressed belief that the transfers were in response to the ongoing conflict between the two supervisors. This notion is based on a review and discussion of the department's past practices.
 12. In other interviews with sworn and non-sworn personnel, it was indicated their concerns about the motivation for the involuntary transfer of the second level supervisor who had been over the entire Traffic Division was motivated by his having supported Complainant one.
 13. When **CA** interviewed staff about the allegations of the "Meet and Confer" violation brought forward by the officer of the FWBPOA, high ranking and lower ranking officers expressed the belief that the investigation conducted by SIU was not appropriate. Other interviewees indicated that using SIU for allegations for alleged violations of civil or administrative issues sent a message that did not promote trust.

When **CA** reviewed the policies, rules, procedures, and related guidelines relevant to the issues presented in the complaint(s) allegations, it was determined that the body of policy guidance appears consistent with Title VII law, and local and state statutes, and is sufficient and adequate to guide behavior toward a workplace environment that would be free of harassment and discrimination. Based on interviews conducted, and the review of policies and procedures documentation, **CA** does not find substantial evidence to prove that race discrimination occurred. However, it was found that there was substantial concern and consistent documentable evidence indicating that members and leaders of the Fort Worth Police Department did not operate in a manner congruent with the pronouncements set forth in the department policies and guidelines:

- It appears that Fort Worth Police Department Code of Ethics was not followed. The issues began with the events that occurred in February 2010, with the "snowman incident." The matter was reported, beginning with an immediate supervisor in the Chain of Command. Based on the information provided by the department, two of the three officers named in the incident/complaint received documented disciplinary actions. The individual who appears to have been spared disciplinary action was the individual who had been identified as having a major role in the harassment. Hostile and harassing behavior was introduced and continued for more than three years by the primary supervisory officers named in the complaint. The persons interviewed indicated that the harassing behavior was widespread, and it was widely known throughout the department that the behavior was recurring, and it was known who was initiating the action.
- It appears that Fort Worth Police Department General Orders, 703.00 (Neglect of Duty), and 429.01 (F), (G) were not followed. Based on the widespread knowledge of the hostile behavior, insufficient actions were taken by members of the Chain of Command to stop the

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harassment, thereby allowing the behavior to continue. In the specific section of the General Orders, it states that “No officer shall ridicule, mock, deride, taunt, or belittle any person. Neither shall the officer knowingly embarrass, humiliate, or shame any person nor do anything that might incite such person to violence.”

- In Section 708.00 of the General Orders, Harassment-Free Workplace, it states that:
 - A. *It is the responsibility of each employee to engage in and promote work place behaviors that create and maintain an environment of respect and that promote effective team work. Employees shall report behaviors of a harassing nature to a supervisor. Employees have a cause of action for a hostile work environment when:*
 1. *The employee was subjected to unwelcome harassment based on a protected trait such as race, gender, religion, age, and disability;*
 2. *The harassment affected a term, condition, or privilege of the employee's employment;*
 3. *The employer knew or should have known of the harassment; and*
 4. *The employer failed to take prompt remedial action.*
 - B. *Any supervisor who learns of an allegation of hostile work environment has a duty to take prompt remedial action to protect the alleged victim and to investigate promptly and thoroughly all claims of harassment whether:*
 - a. *A complaint is made in writing or verbally.*
 - b. *The complainant wants an investigation.*
 - c. *No actual complaint has been made; however, the supervisor has a constructive knowledge of the harassment.*

Based on the **CA** interviews with department employees, the harassment occurred with the knowledge of upper management throughout the three-year period initially outlined in the prior parts of this report. With that, it appears that Section 708.00 of the General Orders was not followed.

The response to the complaint situation reflects negatively on the Fort Worth Police Department because of the department’s willingness to accept and condone aggressive, and intimidating behavior. It appeared that Complainants One and Three suffered from the failure to act on the part of the department’s management, as management failed to comply with the department’s own Code of Ethics, the General Orders, the City of Fort Worth’s policies on Equal Employment Opportunity, the provisions for creating a harassment-free workplace, the state’s Civil Service regulations, and Title VII of the 1964 Civil Rights Act.

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Department Recommended Corrective Actions

CA was informed that the issues central to two of the complaints filed have been satisfactorily resolved for the two individuals. However, there are issues pertaining to the climate and atmosphere of the department that need constructive processes to prevent or minimize the recurrence of conditions that may be construed as being unwelcome and hostile

The recommendations presented herein are intended to offer solutions to improve the climate of suspicion and innuendo that appears to prevail in the Fort Worth Police Department. The CA findings showed department leadership silent on bringing a halt the harassment and the appearance of retaliation. The recommended actions include, but are not limited to:

1. Designing and conducting training and coaching to the members of the Chain of Command, and holding the members accountable for taking appropriate action to prevent conditions that support harassing behavior, “initiating prompt inquiry,” and stopping harassment in the department once such behavior is brought to the attention of the department.
2. Holding department leadership accountable for creating an environment where an individual may file a complaint when he or she feels aggrieved, without fear of reprisal or retaliation. Department leaders must make sure that such harassing or retaliatory behavior is prohibited, and is immediately addressed with appropriate, corrective action.
3. Expunging (from the complainants’ official department and City of Fort Worth personnel files) any negative or derogatory information directly associated with filing complaints, or for participating in the complaint process.
4. Taking steps to improve inter-organizational communication, build trust, and build or rebuild positive relations between the associations and the Chief of Police, and the associations with each other. Incorporating direct involvement of the department’s associations in crafting the direction for improving the climate of the Fort Worth Police Department will contribute to a more wholesome, inclusive workplace for all employees.
5. Designing and providing programmed, high accountability training and professional development for all department associations and members, focusing — in part — on leader effectiveness and development, effective communication and collaboration, building and strengthening department and work team cohesiveness, and managing differences and promoting inclusion in the Fort Worth Police Department. The associations, along with the Chain of Command, should be positioned for ownership in the responsibility for redefining the culture of the department in some very positive ways. This team should be positioned to “model the way” for other employees in the department to follow. The training should become a priority for the department. The training should focus on the following:
 - a. Defining harassment, with foundational examples of harassing behavior,

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- b. Outlining processes and procedures for reporting behavior believed to represent harassment, and clarifying the commitment to prevent reprisal or retaliation,
- c. Describing processes and guidelines that will allow prompt and effective inquiry into harassment allegations,
- d. Stating the department's commitment to prompt corrective action when harassment occurs,
- e. Describing steps for preventing harassment,
- f. Outlining the roles for the Fort Worth Police Department's and its leaders' commitment to fulfilling the duty to provide a work environment free of harassment and discrimination,

Evidence of successful completion of this training report should be presented to and reviewed by the City Manager's Office within six months from the date that this report is issued.

6. Reviewing and revising the Fort Worth Police Department's rules and General Orders pertaining to fairness, equity, Equal Employment Opportunity, and workforce diversity and inclusion so that these documents and policies speak directly to the responsibility, personal accountability, and consequences for each employee, supervisor, and department leader to ensure that all employees are treated fairly, equitably, and with respect, and that all employees have the opportunity to a "healthy workplace." The policies must also focus attention on how the treatment of employees in the department translates to how employees may treat citizens and customers during the routine fulfillment of their duties and responsibilities. This policy direction should also consider limiting the organization's liability should such behavior occur, and it should consider limiting the effects of a poor public image. The steps and considerations may be driven by the department's Code of Ethics. Consideration needs to be directed to transforming the department's culture to help improve relations in the department and in the community.
7. Designing and implementing an aggressive EEO and succession plan for the department. Semi-annually measure and report efforts and pathways for the movement and treatment of employees with the Chief of Police reassuring the fair and equitable treatment of all staff in the department.
8. Incorporating EEO and diversity/inclusion/harassment-free measures through the supervisory performance management processes for all employees with the rank of Police Sergeant and above. Performance of these identified measures must be weighted and evaluated appropriately to ensure total and timely compliance with established performance standards.

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9. Reviewing and revising competency-based supervisory training and leader development (required bi-annually) for all sworn and non-sworn supervisors, incorporating at least the following major topics of emphasis:
- Leading peers by example
 - Taking personal ownership, accountability and responsibility for results
 - Overcoming team dysfunction and managing conflict
 - Communicating openly, honestly and empathically
 - Managing difficult conversations
 - Building and maintaining honesty and personal integrity
 - Managing employee performance
 - Maximizing interpersonal and inter-operational communication, collaborating for results
 - Resolving and managing employee disputes
10. Requiring all supervisors to attend training on General Orders updates annually. The focus of the training and the critical intent is to keep department managers and supervisors apprised of the content of the critical General Orders governing fairness and equity. The training should also ensure they fully appreciate their responsibilities and accountabilities for influencing their work units to comply with all General Orders.
11. Reviewing and revising the department's Anti-Discrimination and Anti-Harassment Policy:
- Defining discrimination and harassment with defining examples
 - Defining and discussing impact and implications for discriminatory treatment and harassment
 - Outlining expectations for employee and supervisory roles preventing discrimination and harassment
 - The Chief of Police must take an active role in the dissemination of policy and in communicating top-level commitments to create and maintain a wholesome and healthy work environment free of harassment and discrimination.
 - Preparing and implementing an anonymous climate survey involving all department employees annually to assess the department's culture and determine appropriate steps toward transformation and quality of worklife enhancements, and the effects on performance and productivity. The results should be reported to the City Manager and City Council by the Chief of Police.

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- f. Providing specific training to incorporate a new anti-harassment policy, and to promote immediate and prompt inquiry into harassment allegations with a bent toward prompt and positive resolution.