

Confidential Investigation Report

City of San Leandro

DeWayne Stancill Complaint

November 21, 2008

Patricia Elliot
Attorney at Law
15466 Los Gatos Boulevard
Suite 109-365
Los Gatos, CA 95032
Telephone (408) 358-4455
Facsimile (408) 358-4494

EXHIBIT D

Table of Contents

STATEMENT OF COMPLAINT	1
INVESTIGATION PROCEDURE.....	1
ISSUES INVESTIGATED	3
SUMMARY OF FINDINGS	3
RELEVANT FACTUAL FINDINGS OF THE INVESTIGATION	3
Background.....	4
I. Did the conduct that Mr. Stancill claims was harassment based on his race occur? ..	6
February 2008 Promotional Test for Sergeant.....	6
Police Officers' treatment of Mr. Stancill after the Sergeants Test.....	9
1. Ms. O'Callaghan.....	9
2. Ms. Pickard.....	12
a. Ms. Pickard's statements to Mr. Stancill in November of 2007	15
3. Mike Sobek.....	16
4. Other Police Officers	19
a. Degrano Meeting.....	20
Harassment allegations against Mr. Stancill.....	22
1. Amanda Kerr.....	23
2. Ms. Trujillo	26
3. Ms. O'Callaghan.....	29
4. Ms. Kovach.....	30
5. Ms. O'Callaghan asked Ms. Kovach to bring claims against Mr. Stancill and the City.....	32
6. Ms. Pickard	33
7. Ms. Jackson, Ms. Pena-Hornung and Ms. Tiletile.....	35
a. Kami Jackson	36

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

b. Tai Pena-Hornung.....	36
c. Ms. Tiletile	37
Police Officers call in sick on Mr. Stancill's shift.....	41
1. Ms. Pickard	42
2. Ms. O'Callaghan.....	44
a. Ms. O'Callaghan has called in sick to express her displeasure at other circumstances.	46
3. Ms. Trujillo	48
a. Ms. Trujillo has called in sick to express her displeasure at other circumstances.	49
Conclusions Regarding Issue I.....	50
II. If the alleged conduct did occur, was the conduct undertaken because of Mr. Stancill's race?.....	53
Racial make up of the Police Department.....	54
Comments about Mr. Stancill's race.....	55
Other Officers' perceptions of whether race was a factor in the way Mr. Stancill has been treated.	55
Other factors on which some believe the poor treatment of Mr. Stancill was based....	57
a. Mr. Stancill's demeanor	57
b. Work experience.....	58
c. Intellect.....	59
d. Work ethic	60
e. Personal conduct	62
f. SWAT incident.....	63
g. Mr. Stancill's conduct after the Prior Investigation	66
Conclusions Regarding Issue II	68
INVESTIGATION CONCLUSIONS AND RECOMMENDATIONS	70

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

STATEMENT OF COMPLAINT

On June 13, 2008, Police Officer DeWayne Stancill ("Mr. Stancill"), met with Human Resources Director, Justinian Caire ("Mr. Caire"), and made a formal complaint against various other Police Officers, contending that some Police Officers had harassed him because of his race. In particular, Mr. Stancill believes that certain Police Officers harassed him based on his race when they criticized him and berated him for his good performance on a test for promotion to Sergeant in February 2007. Other successful candidates in the Sergeants test, who are not Black were not criticized and berated, according to Mr. Stancill.

The Police Officers whom Mr. Stancill believes engaged in most of the harassment were Police Officer Cathy Pickard ("Ms. Pickard"), Police Officer Annie O'Callaghan ("Ms. O'Callaghan") and Sergeant Mike Sobek ("Mr. Sobek"). Mr. Stancill believes they enlisted Police Officer Deborah Trujillo ("Ms. Trujillo") and others to file baseless harassment complaints against him in an attempt to get him fired or demoted.

INVESTIGATION PROCEDURE

After receiving Mr. Stancill's complaint, Mr. Caire determined that a full outside investigation was warranted.

I began my investigation on June 24, 2008. I reviewed a June 24, 2008 memorandum Mr. Caire prepared documenting the meeting he had with Mr. Stancill on June 13, 2008. On June 26, 2008, I interviewed Mr. Stancill from 9:30 a.m. to 1:00 p.m., in the Human Resources Department at the City of San Leandro. I had a follow up interview with Mr. Stancill on August 20, 2008, lasting approximately 2 ½ hours.

On July 7, 2007, I interviewed Ms. Trujillo in Ms. Trujillo's attorney's office in San Jose for approximately 3¾ hours. On July 21, 2007, I interviewed Police Chief Dale Attarian ("Chief Attarian"), for approximately 2¼ hours in the conference room in the Human Resources Department in City Hall in San Leandro. Unless otherwise stated, all other interviews took place in the Human Resources Conference Room at City Hall.

On July 21, 2007, I interviewed Police Officer Tim Degrano ("Mr. Degrano"), for approximately 1¼ hours, Senior Human Resources Analyst, Rob Caughell ("Mr. Caughell"), for approximately 1 hour and Police Lieutenant Pete Ballew ("Mr. Ballew"), for approximately 1½ hours.

On July 23, 2007, I interviewed Police Officer Ted Henderson ("Mr. Henderson"), for approximately 1½ hours, Lieutenant Christopher Tankson ("Mr. Tankson"), for approximately 1½ hours, Lieutenant Robert Dekas ("Mr. Dekas"), for approximately 1½ hours, and Police Officer Kerri Kovach ("Ms. Kovach"), for approximately 2½ hours.

On July 25, 2007, I interviewed Police Officer Curt Barr ("Mr. Barr"), for approximately 1¼ hours, Police Officer Kendrick Shedd ("Mr. Shedd"), for approximately 1 hour,

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Police Officer Joseph Molettieri ("Mr. Molettieri"), for approximately 1¼ hours, and Police Officer Thomas Rosenlind ("Mr. Rosenlind"), for approximately 1¼ hours.

On July 30, 2007, I interviewed Sergeant Joey Nguyen-Delgado ("Mr. Nguyen-Delgado"), for approximately 3 hours, Sergeant Greg Lemmon ("Sergeant Lemmon"), for approximately 1½ hours, and Police Officer Alex Rendez ("Mr. Rendez") for approximately 45 minutes.

On August 14, 2008, I interviewed Police Officer Anthony Morgan ("Mr. Morgan"), for approximately 1 hour, Police Officer Daniel Sellers ("Mr. Sellers"), for approximately 1½ hours, and Police Officer Jason Fletcher ("Mr. Fletcher"), for approximately 1 hour. Mr. Sellers called me on August 21, 2008, to share additional information in a telephone call lasting approximately 15 minutes.

I interviewed Ms. Pickard and Mr. Sobek on August 18, 2008, for approximately 3½ hours and 2½ hours respectively.

On August 20, 2008, I interviewed Ms. O'Callaghan for approximately 2¾ hours, Sergeant Luis Torres ("Mr. Torres"), for approximately 1 hour and Lieutenant Marc DeCoulode ("Mr. DeCoulode"), for approximately 2½ hours.

I continued Mr. Torres' interview on August 28, 2008, for approximately 3¼ hours and also interviewed Lieutenant Steve Pricco ("Mr. Pricco"), for approximately 1¼ hours.

On September 5, 2008, I interviewed Dispatcher Meghan Wilske ("Ms. Wilske"), for approximately 1½ hours, Sergeant Troy Young ("Mr. Young"), for approximately 2¼ hours, and Lieutenant Jim Lemmon ("Lieutenant Lemmon"), for approximately 2¾ hours.

All witnesses verbally consented to the interviews and confirmed that they were participating freely, without threat, coercion or ulterior motive. All witnesses were instructed not to discuss the complaint, the investigation or their interview with anyone, except their legal representative. All witnesses were also advised that City policy as well as state and federal law prohibit retaliation against any employee for having filed a complaint or participating in an investigation.

Following Mr. Stancill's, Ms. O'Callaghan's, Mr. Sobek's and Ms. Pickard's interviews, I prepared a written Witness Interview Summary for each witness, which each witness had the opportunity to review with the assistance of his or her attorney and to revise to insure that the Witness Interview Summary was accurate and complete. Mr. Stancill signed his Witness Interview Summary, acknowledging that the contents were true and complete to the best of his knowledge. Mr. Stancill's Witness Interview Summary is attached hereto as Exhibit A.

Ms. O'Callaghan, Mr. Sobek and Ms. Pickard reviewed their Witness Interview Summaries and through their attorney, Rockne A. Lucia, Jr. ("Mr. Lucia"), they declined

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

to supply any corrections, additions or clarifications to the draft Witness Interview Summaries they were sent. Ms. O'Callaghan's, Mr. Sobek's and Ms. Pickard's Witness Interview Summaries are attached as Exhibits B, C and D, respectively.

From approximately late December 2007 to April 25, 2008, Debra Estrin, an outside Investigator hired by the City conducted an investigation into allegations lodged by Ms. Trujillo and other female employees against Mr. Stancill ("Prior Investigation"). I reviewed Ms. Estrin's Investigation Report dated April 25, 2008.

Ms. Trujillo brought another complaint against Mr. Stancill and Mr. Torres in late May 2008, which I investigated separately in the "Trujillo Investigation."

ISSUES INVESTIGATED

- I. Did the conduct that Mr. Stancill claims was harassment based on his race occur?
- II. If the alleged conduct did occur, was the conduct undertaken because of Mr. Stancill's race?

This investigation report contains factual conclusions based on the information available in the course of the investigation. It does not draw any legal conclusions. In addition, while numerous hours were spent reviewing documents and interviewing witnesses, this report does not purport to include every detail provided by all of the witnesses interviewed or documents reviewed.

SUMMARY OF FINDINGS

Mr. Stancill's allegations that he was treated poorly, shunned, was the object of derogatory comments by other Police Officers, attacked with exaggerated harassment complaints, subjected to sick outs on his shifts and generally treated in an unfair and unprofessional manner are substantiated.

Mr. Stancill's allegation that the poor treatment he received from other Officers was because of his race is not substantiated.

RELEVANT FACTUAL FINDINGS OF THE INVESTIGATION

The applicable facts and conclusions were determined in the course of the investigation. Where significant disputes of fact exist, the dispute is identified and then examined and resolved based on the available information, including facts bearing on credibility.

Background

Mr. Stancill was hired as a Police Officer by the City of San Leandro ("the City") Police Department on October 14, 1998. On October 16, 2007, Mr. Stancill was promoted to Sergeant. Mr. Stancill was assigned to supervise the weekend crew, 3-12 days, Friday, Saturday and Sunday. Mr. Stancill is a 36 year old Black man.

Mr. Torres was also hired as a Police Officer by the City on October 14, 1998. In March 2007, Mr. Torres was promoted to Sergeant. Mr. Torres is a 30 year old Hispanic male.

Mr. Young has been a Police Officer with the City for approximately 13 years. Mr. Young was promoted to the rank of Sergeant approximately one year ago. Mr. Young is a 37 year old Caucasian male.

Chief Attarian has been employed with the City's Police Department for approximately 30 years. He was appointed Police Chief approximately 1½ years ago. He is a 56 year old Caucasian male.

Mr. Ballew has been employed with the City for approximately 24 years. He has been a Lieutenant for approximately seven years. Mr. Ballew is a 46 year old Caucasian male.

Mr. Pricco has been employed with the Police Department for approximately 18 years. He has been a Lieutenant for approximately seven years. Mr. Pricco is a 50 year old Caucasian male.

Lieutenant Lemmon has been employed with the Police Department for approximately 24 years. He has been a Lieutenant for almost two years. Lieutenant Lemmon is a 45 year old Caucasian male. His younger brother is Sergeant Lemmon.

Mr. Tankson, a 46 year old Black man, has been employed with the City's Police Department since 1984. Mr. Tankson was promoted to Lieutenant in November 2007.

Mr. DeCoulode has been with the department for approximately 28 years. He has been a Lieutenant for the past ten years. Mr. DeCoulode is a 52 year old Caucasian male.

Mr. Dekas has been employed with the department for approximately 22 years. He has been a Lieutenant for approximately three years. Mr. Dekas is a 51-year-old Caucasian male.

Mr. Sobek was hired as a Police Officer by the City in approximately 1991. In October 2005, Mr. Sobek was promoted to Sergeant. Mr. Sobek is the Police Officers Association ("POA") Vice President. Mr. Sobek is a 45 year old Hispanic male.

Ms. O'Callaghan was hired as a Police Officer by the City in approximately 1990. Ms. O'Callaghan is a 43 year old Caucasian female.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Mr. Sobek is married to Ms. O'Callaghan. Ms. O'Callaghan is on the Board of Directors of the POA.

In July 2008, Ms. O'Callaghan filed a complaint for gender discrimination in the Equal Employment Opportunity Commission ("EEOC") against the City of San Leandro Police Department.

Sergeant Lemmon has been employed with the Police Department for approximately 22 years. He was promoted to Sergeant in 1999. Sergeant Lemmon is a 44 year old Caucasian male. Sergeant Lemmon has been the president of the POA for the past six years. His older brother Jim Lemmon is a Lieutenant with the Department.

Mr. Nguyen-Delgado has been employed with the City as a Police Officer for approximately 20½ years. He has been a Sergeant for the past eight years. Mr. Nguyen-Delgado is of Asian and Portuguese descent. He is 42 years old.

Ms. Pickard was hired as a Police Officer by the City in approximately 1996. Before that, Ms. Pickard was a Police Dispatcher for the Police Department for approximately six years. Ms. Pickard is on the Board of Directors of the POA. Ms. Pickard is a 43 year old Caucasian female.

Ms. Trujillo has been employed as a Police Officer with the City since August 12, 2002. Before joining the San Leandro Police Department, Ms. Trujillo was a Police Officer in the City of Mountain View for approximately five years. Ms. Trujillo was on Mr. Stancill's crew from mid October 2007 to January 7, 2008. Ms. Trujillo is Hispanic.

Mr. Fletcher is a 37 year old Caucasian male. He has been employed in the City's Police Department for approximately three years. Before that, he was employed as a Police Officer in Fairfield and Berkeley for approximately ten years. Mr. Fletcher is a POA Board Member.

Mr. Fletcher has been on shift with Mr. Stancill since January 2008. Before that, Mr. Fletcher was on shift with Mr. Young and before that with Mr. Torres.

Mr. Morgan has been a Police Officer with the City for approximately three years. Mr. Morgan is Hispanic and is 25 years old. He has been on Mr. Stancill's shift since January 2008. Before that, Mr. Young was his Sergeant and before that Mr. Torres was his Sergeant.

Mr. Rendez has been employed with the Police Department for approximately eight years. He is a Caucasian male, age 33.

Mr. Henderson has been a Police Officer with the City for approximately 13½ years. He is a 38 year old Black man.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Kovach has been employed with the Police Department for approximately 13½ years. Prior to that, Ms. Kovach was employed as a Police Officer with the Cal. State Hayward Police Department and with the Sheriff's Department for a total of approximately five years. Ms. Kovach is a 42 year old Caucasian female.

Mr. Barr has been a Police Officer with the department for approximately ten years. He is a 46 year old Caucasian male who was born in Scotland.

Mr. Shedd has been a Police Officer for approximately six years. He is a 37 year old Black man.

Mr. Molettieri is a 38 year old Caucasian male. He has been employed by the City for approximately 11½ years. Mr. Molettieri is a POA Board Member.

Mr. Rosenlind has been a Police Officer for approximately 11 years. He is a 40 year old Caucasian male.

Mr. Sellers has been employed with the City's Police Department for approximately eight years. Before coming to the City, Mr. Sellers was employed as a Police Officer with the City of Oakland for ten years. Mr. Sellers is a 39-year-old Caucasian male.

Mr. Degrano has been employed with the Department for approximately 20 years. Mr. Degrano is a 42-year-old Hispanic male.

Ms. Wilske he has been employed with the Department for approximately nine years. She is a 31 year old Caucasian female.

Mr. Caughell has been employed with the City for approximately 30 years. He has been a Senior Human Resources Analyst for approximately the past ten years. Mr. Caughell is a Caucasian male, age 54.

I. Did the conduct that Mr. Stancill claims was harassment based on his race occur?

February 2008 Promotional Test for Sergeant

On or about February 16, 2007, Mr. Stancill took a promotional test for promotion to Sergeant. The promotional test was a three step process, consisting of a written application, a written test and an oral interview conducted by a panel of three San Leandro Police Lieutenants.

According to Chief Attarian, the test was conducted in the same way promotional tests have been conducted for many years. The Department has been using in-house panels for at least the past ten years, when the Police Officers and command staff became displeased with the results obtained by outside interview panels.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

There was no reading list issued, and candidates were told that the test would contain questions about the General Orders. Candidates were also encouraged to speak with the command staff to learn what particular areas were of concern to the Department.

The Lieutenants on the Sergeant's test panel were Mr. Dekas, Lieutenant Tom Overton ("Mr. Overton") and Mr. DeCoulode. Chief Attarian and Captain Ian Willis ("Mr. Willis") selected the panel. Chief Attarian knows that the rank and file highly respects both Mr. Dekas and Mr. Overton. Mr. DeCoulode is not as highly respected because he is thought to be a strict disciplinarian and some do not trust him.

The three Lieutenants were selected in part because they each command a different division in the Department. None of the candidates raised any concern about the composition of the panel in advance of the test.

Mr. Caughell from the Human Resources Department oversaw the testing process for the Sergeants exam in February 2007. He attended the interview portion and took notes. Mr. Caughell has managed the testing process for the Sergeants test for approximately ten years.

Mr. Caughell worked with Chief Attarian and Mr. Willis to devise the test questions. The Lieutenants on the testing panel had no prior knowledge of the test questions. Mr. Caughell sat in on the interviews and during the panelists' rating discussions. According to Mr. Caughell, there was no discussion between the panelists about their scores for the candidates until they shared their scores with the entire panel.

According to Mr. Dekas and Mr. Caughell, the panel scored each candidate independently. Then they discussed their scores to see if there was agreement. In each case, the three panelist's scores were all very close. It surprised them where all the candidates were ranked.

Mr. Degrano reported that Mr. Ballew said that if you have the education, then the "sky's the limit" in terms of promotion in the Department. According to Mr. Degrano, before the 2007 test, there was no mention of education. It appears to Mr. Degrano that they choose the people who had college degrees and he feels that is not fair. Mr. Degrano does not have a degree, and he believes that is why he did not get a high ranking on the test. Ms. O'Callaghan also does not have a degree in feels she was unfairly harmed on that basis in the Sergeants test rankings.

According to Mr. Dekas, none of scores in the 2007 Sergeant's test take into consideration whether a candidate had a college degree.

Mr. DeCoulode thinks that educational attainment probably did factor into the scores applicants got. The Chief made it clear that education should be valued and that in the future, managers needed to have a college degree. A number of Sergeants were choosing not to go to college. The Chief wanted to look at candidates who were working towards their degrees. According to Mr. DeCoulode, there was not a set amount of points for a

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

college degree and no candidate had any points taken away because they did not have a degree.

The scores and rankings of the candidates were as follows:

Name	Mr. Dekas	Mr. DeCoulode	Mr. Overton	Average	Rank
Torres, Luis	95	96	95	95	1
Young, Troy	93	94	94	94	2
Stancill, DeWayne	90	90	87	89	3
Aldred, Walt	87	89	86	87	4
O'Callaghan, Annie	84	85	85	85	5
Henderson, Ted	84	87	85	85	5
Molettieri, Joe	83	85	85	84	6
Fischer, Mike	82	83	84	83	7
DeGrano, Tim	80	80	81	80	8
Sanchez, Bob	76	78	79	78	9
Wilson, Shawn	77	76	77	77	10
Moss, Jim	75	75	70	73	11

After the test results were known, Mr. Dekas offered to meet with Ms. O'Callaghan, but she declined. Previously, Mr. Dekas and his wife spent time in Mr. Sobek's and Ms. O'Callaghan's cabin in Tahoe and they were good friends. According to Mr. Dekas, their friendship ended after the Sergeant's test because Ms. O'Callaghan was so upset with Mr. Dekas for how she was scored.

Chief Attarian was not at all surprised by the rankings. He was aware that all three of the top performers were preparing for the test. They all came to Chief Attarian in advance and asked him what he was looking for in the next Sergeants. Chief Attarian told the candidates the same thing. Police Officer Walt Aldred ("Mr. Aldred") also came to Chief Attarian and asked him what he was looking for in the candidates. Mr. Aldred came in fourth.

Chief Attarian did not sit in on the test. Chief Attarian does not believe there was any collusion by the Lieutenants on the panel to place candidates in certain order. The top three names on the list were certified for promotion and over the next several months, Chief Attarian promoted them to Sergeant in the order of their ranking from the test.

It has been the practice in the Police Department at least since 1998, that when promotional openings occur, the Chief promotes candidates on the list in the order in which they are ranked, unless there is some significant reason to pass over a candidate.

Chief Attarian promoted Mr. Torres to Sergeant on or about March 1, 2007, Mr. Young to Sergeant in or about May 2007 and Mr. Stancill to Sergeant on October 16, 2007. The promotional list expired in February 2008, with no more promotions having been made.

Mr. Stancill had previously taken the Sergeant's test in 2005 or 2006 and at that time he ranked 14 out of 17 on the promotional list.

In 2006, Ms. O'Callaghan took the Sergeant's test and finished sixth. Mr. Degrano also tested previously for Sergeant and was next on the list for promotion when the prior list expired 2006. The promotional lists for each test expire after one year.

Police Officers' treatment of Mr. Stancill after the Sergeants Test

Mr. Stancill reported that soon after the rankings based on the promotional test became known in February 2007, some Police Officers began to denigrate and shun him. According to Mr. Stancill, the treatment became worse leading up to and after his promotion in October 2007.

Mr. Torres observed that Mr. Stancill got the "cold shoulder" from many of the Police Officers who did not do well on the test. When Mr. Stancill was around, they ignored him and got quiet. Mr. Torres noted that some Officers initially avoided him too, but that did not last very long. It lasted for longer for Mr. Stancill. Mr. Torres believes that the length of time Mr. Stancill was in that situation was because Mr. Stancill did not get promoted until October 2007.

According to several witnesses, the grumbling about Mr. Stancill's ranking and subsequent promotion started off with a few people, and then snowballed to a big group, including Mr. Degrano, Mr. Fisher, Ms. O'Callaghan, Mr. Aldred, Mr. Molettieri, Ms. Pickard and Mr. Sobek.

1. Ms. O'Callaghan

When the Sergeant's list was issued on February 16, 2007, Mr. Stancill was happy and looked forward to his promotional opportunity. According to Mr. Stancill, the next day, when he saw Ms. O'Callaghan in the hallway, she did not say anything to him. Mr. Stancill felt it was strange because Ms. O'Callaghan had always been friendly toward him in the past.

According to Mr. Stancill, when he first saw her, Ms. O'Callaghan seemed upset. Mr. Stancill greeted Ms. O'Callaghan as he often did, with his arm around the back of her shoulder, in kind of a side hug. When she shunned him, Mr. Stancill said to Ms. O'Callaghan, "Don't be like that." Again, Ms. O'Callaghan did not say anything, but just

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

frowned at Mr. Stancill. Mr. Stancill⁹ was surprised by Ms. O'Callaghan's response, but he did not respond.

Ms. O'Callaghan denies that she shunned or ignored Mr. Stancill. Ms. O'Callaghan states that she first saw Mr. Stancill the following Tuesday or Wednesday after the results were announced. She states that she congratulated him, shook his hand and said "Good job". He shook her hand and patted her on the back. According to Ms. O'Callaghan, she was professional and cordial even though she was disappointed with the results of the test.

Several other witnesses reported that Ms. O'Callaghan was extremely disappointed about the results of the Sergeants test and that she was particularly angry that Mr. Stancill was ranked ahead of her on the list.

According to Mr. Dekas, Mr. Stancill is being truthful when he says he has experienced extremely cold behavior from Ms. O'Callaghan and others.

Several witnesses reported that it was common knowledge that Ms. O'Callaghan was upset and felt that the testing process was unfair.

Ms. O'Callaghan stated that all she wanted was to be fairly considered for a promotion. Ms. O'Callaghan does not believe that the most qualified people were getting promoted. Ms. O'Callaghan stated her opinions in a letter to the POA President in February 2007. According to Ms. O'Callaghan, her concerns were with the process and were not directed at Mr. Stancill or any of the other highly ranked candidates.

Ms. Kovach initially reported that Mr. Stancill would not even acknowledge Ms. O'Callaghan after the Sergeant's test. However, she also noted that Ms. O'Callaghan started it. Ms. O'Callaghan made it very clear that she did not feel that Mr. Stancill deserved to be ranked so high on the list. Ms. O'Callaghan was very upset about the results. According to Ms. Kovach, Ms. O'Callaghan was the most disgruntled.

Mr. Stancill reported that when Ms. O'Callaghan is alone and sees him, she completely ignores him and scowls. If she is with someone else, particularly Ms. Pickard, Ms. O'Callaghan seems to go out of her way to loudly greet Mr. Stancill. Mr. Stancill feels that at these times, Ms. O'Callaghan is intentionally trying to catch him off guard to make him feel uncomfortable in front of other people.

Mr. Sellers has seen Mr. Stancill interact with Ms. O'Callaghan and he is very professional, but not warm toward her. He does not blame Mr. Stancill for that.

Mr. Sellers has observed that when other Officers are present, Ms. O'Callaghan appears to go out of her way to try to interact with Mr. Stancill, when she knows that is awkward for him given the way she, her husband and their friends treat him. Ms. O'Callaghan seems to try to make Mr. Stancill feel uncomfortable by going out of her way to say "Hi" to him. "It's as if she wants people to see him uncomfortable with her."

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. O'Callaghan acknowledges that she expressed strong feelings that Mr. Stancill was not qualified for his promotion to Sergeant. Ms. O'Callaghan believes that her opinions got back to Mr. Stancill and that is why he stopped speaking to her in or about August 2007.

Ms. O'Callaghan denies that she tries to make Mr. Stancill feel uncomfortable. She does make a point of saying "Hello" to Mr. Stancill so that she cannot be accused of being unprofessional or rude toward him. She stated that she does not want to be accused of ignoring him or being insubordinate.

Mr. Stancill's report that Ms. O'Callaghan shunned him and tries to make him feel uncomfortable because he scored higher than her on the February 2007 Sergeants test is credible and supported by the facts.

- a. Mr. Stancill states that before his promotion, as he walked into the Squad room, Mr. Stancill heard Ms. O'Callaghan say to Ms. Pickard, "He's an idiot, he's stupid" while she pointed at the Overtime board.

Just before his promotion in September or October 2007, Mr. Stancill stepped out of the elevator heading toward the Squad Room where Ms. O'Callaghan and Ms. Pickard were standing facing the Overtime board. They had not seen him exit the elevator. As he walked into the Squad room, Mr. Stancill heard Ms. O'Callaghan say, "He's an idiot, he's stupid" while she pointed at the Overtime board.

When Mr. Stancill entered the Squad Room, both female Officers gave him a startled look and they immediately left the room without saying anything to him. Mr. Stancill looked at the Overtime board and saw that the only two names on the Overtime board were Mr. Fletcher and Mr. Stancill.

Mr. Fletcher and Ms. O'Callaghan are friends and are on the POA Board of Directors together. It was clear to Mr. Stancill that Ms. O'Callaghan was pointing to Mr. Stancill's name on the Overtime board while she said, "He's an idiot, he's stupid."

Ms. O'Callaghan does not deny making such a statement, but does not recall that specific incident. She admits that "it is possible" that she did make the statement as described. Ms. O'Callaghan did not hide the fact that she was unhappy about the Sergeant's list.

According to Ms. O'Callaghan, Mr. Stancill stopped talking to her in August of 2007. Although they did not work together and saw each other infrequently, when they did see each other, he ignored her. She thought that was "stupid" of him.

Ms. O'Callaghan also reported that Police officer Isaac Benabou ("Mr. Benabou"), told Ms. O'Callaghan in August or September of 2007, that Mr. Stancill "talks a lot of shit about you." At that time, Ms. O'Callaghan likely said, "I think that is stupid." Ms. O'Callaghan did not ask Mr. Benabou for any details about what Mr. Stancill was saying about her.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. O'Callaghan admits that she commented to others that she thought Mr. Stancill was "stupid" or was "an idiot" after February 2007, but she cannot remember the specifics.

In January, 2008, Ms. O'Callaghan stated during her witness interview in the Prior Investigation that, "Sergeant Stancill is not smart enough to know not to joke with people he is not friends with."

Ms. Pickard states that she does not recall being in the Squad Room when Ms. O'Callaghan made a comment about Mr. Stancill that Mr. Stancill overheard.

Mr. Torres reported that Mr. Stancill told Mr. Torres that some Police Officers had made comments that Mr. Stancill was "stupid" or "ignorant". That occurred after the test but before Mr. Stancill was promoted. Mr. Stancill told Mr. Torres that one day, Ms. O'Callaghan was looking at the Overtime sheet pointing to his name and said that Mr. Stancill was "stupid".

Mr. Torres can imagine Ms. O'Callaghan saying that. Ms. O'Callaghan told Mr. Torres that she had no issue with Mr. Torres getting promoted, but that she did have an issue with Mr. Stancill's promotion. Ms. O'Callaghan told Mr. Torres that people were not surprised about Mr. Torres getting promoted so soon, but they "did have a problem with" Mr. Stancill getting promoted early.

Mr. Stancill's report that Ms. O'Callaghan said to Ms. Pickard about Mr. Stancill, "He's an idiot, he's stupid" while she pointed at Mr. Stancill's name on the Overtime board is credible. Neither Ms. O'Callaghan nor Ms. Pickard dispute that the incident may have occurred. Mr. Stancill reported the incident to Mr. Torres soon after it occurred.

2. Ms. Pickard

Ms. Pickard did not take the Sergeant's test, but Ms. Pickard and Ms. O'Callaghan are very close friends. According to Ms. Kovach, Ms. Pickard would "do anything" for her best friend Ms. O'Callaghan. Mr. Stancill reported that soon after that test results were known, Ms. Pickard made it clear that she disliked Mr. Stancill. According to Mr. Stancill, Ms. Pickard stopped speaking to Mr. Stancill and gave him "mean looks."

Ms. Pickard denies that she stopped speaking with Mr. Stancill after the Sergeant's test. Ms. Pickard states that she congratulated Mr. Stancill on his success, but told him that she thought other people who had not done as well on the test were more deserving of a promotion than he was. Ms. Pickard also denies that she gave Mr. Stancill "mean looks."

Ms. Pickard states that the only thing she is guilty of is telling the truth. Ms. Pickard no longer has faith in the City's ability to make good decisions. Ms. Pickard believes that Mr. Stancill's complaint against her is retaliation against her for participating in the Prior Investigation.

Several witnesses reported that Ms. Pickard is a negative person who complains a lot. Ms. Pickard also made it very clear that she was angry that Mr. Stancill was ranked above Ms. O'Callaghan and some of the other Officers who tested for Sergeant in February 2007.

Mr. Stancill's report that Ms. Pickard shunned him because he was highly ranked on the Sergeant's list is credible.

According to Mr. Stancill, after the results of the Sergeant's test were known and before he was promoted, Ms. Pickard told other members of the Police Department that she thought Mr. Stancill was "stupid" or "an idiot."

Ms. Pickard stated that she never called Mr. Stancill "stupid" or "an idiot" "to his face." In 2007, Ms. Pickard told her sister that she thought Mr. Stancill was "an idiot." Ms. Pickard's sister does not work in the San Leandro Police Department.

Ms. Pickard stated that she does not recall telling anyone in the Police Department that she thought Mr. Stancill was "stupid" or was "an idiot" in 2007, "but anything's possible." She may have, but she does not recall. Ms. Pickard stated that she does not think Mr. Stancill is stupid, or an idiot.

Ms. O'Callaghan believes "it is possible" that she heard Ms. Pickard make such comments about Mr. Stancill, but she cannot remember the specifics of those statements. Ms. Pickard and Ms. O'Callaghan have discussed their feelings about issues and incidents regarding Mr. Stancill. According to Ms. O'Callaghan, Mr. Stancill ignores both Ms. O'Callaghan and Ms. Pickard and they believe that is in retaliation for their participation in the Prior Investigation.

Mr. Henderson heard from others that after the results of the Sergeant's test were known, Ms. Pickard said in the lineup room that Mr. Stancill was "an idiot and there's no way he could have scored that high on the test." Mr. Henderson did not recall from whom he heard that.

Ms. Pickard denies that she ever stated in the lineup room that "Stancill is an idiot and there's no way he could have scored that high on the test."

Mr. Henderson also heard Ms. Pickard call Mr. Tankson an "idiot" when he got promoted to Lieutenant. He heard Ms. O'Callaghan make the same comment. Although he did not make such comments, Mr. Henderson kind of agrees with them about Mr. Tankson. According to Mr. Henderson, Mr. Tankson wants things done his way and can be overbearing.

Ms. O'Callaghan does not deny that she may have made such a comment about Mr. Tankson, but if she did, it was made in the sense of an endearment. Mr. Tankson is one of Ms. O'Callaghan's favorites in the Department. He was her direct supervisor for a time. She sometimes told him he was "scatterbrained" or was "a goof."

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

While in the Pit, Ms. Pickard stated to Mr. Sellers, "DeWayne is stupid." Mr. Sellers was surprised and upset by the comment but he did not say anything to Ms. Pickard. He felt the comment was inappropriate. He did not speak with Ms. Pickard much after that.

Mr. Sellers can see why some people whom he views as ignorant, might think Mr. Stancill is "stupid." According to Mr. Sellers, Mr. Stancill was not on the radar screen of those who felt they were entitled to be promoted before he took the Sergeant's test. Mr. Stancill was viewed as just another harmless Officer. Once he outscored the other Officers, he became "stupid."

Ms. Wilske and Ms. Pickard socialize outside of work. After the test results were known, Ms. Pickard made it clear to Ms. Wilske that she did not like Mr. Stancill. Ms. Pickard never said Mr. Stancill's name when she made derogatory comments, but "she was very manipulative" in what she said. Ms. Pickard made several derogatory comments about the, "People who were getting promoted", without specifically saying Mr. Stancill's name. Ms. Pickard said "some people don't know how to act" and the Department likes to hire some people without experience." According to Ms. Wilske, the context of those comments made it clear that Ms. Pickard was referring to Mr. Stancill.

Mr. Fletcher heard Ms. Pickard state in Ms. O'Callaghan's presence that she thought Mr. Stancill was "an idiot." Ms. O'Callaghan seemed to agree and did not offer any dissenting view.

Ms. O'Callaghan does not deny this happened. She states that she was also was present when other Police Officers, including Robert Cronin, Mr. Degrano and others made comments that they thought Mr. Stancill is "stupid."

According to Mr. Fletcher, before the Sergeant's test, Mr. Stancill was viewed as "The best street cop we have." That came from numerous sources. After the Sergeant's test Mr. Stancill "morphed into a complete idiot."

Ms. Pickard stated that once or twice in 2008, she told Ms. O'Callaghan that she thought Mr. Stancill was "an idiot". The context of these statements was that after Ms. Pickard was interviewed in the Prior Investigation in January 2008, Mr. Stancill ignored her a few times when they saw each other. She also heard that Mr. Stancill made derogatory statements about Ms. Pickard to others.

On one occasion in 2008, Ms. Pickard stated that she was present when Mr. Stancill's shift was coming off duty. Some of the Police Officers were talking about a suspect and made comments about something sexual. According to Ms. Pickard, Mr. Stancill told the Police Officers to "Shut up, it's not safe here." Ms. Pickard stated that Mr. Stancill looked at Ms. Pickard when he made the comment. She felt he singled her out because she was a woman. Ms. Pickard states that Mr. Stancill did not quiet the banter because it was inappropriate, but because she was there.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Pickard reported that she left the area and as she walked away, she stated, "Man, that guy's an idiot", referring to Mr. Stancill. There were approximately eight other Police Officers in the area who may have heard Ms. Pickard's comment.

Ms. Pickard states that she made the comment because she was upset. She felt that Mr. Stancill took it personally and held her responsible for the fact that she assisted a civilian employee, Amanda Kerr, to pursue a sexual harassment complaint against Mr. Stancill in 2007.

In December 2007, according to Ms. Pickard, Ms. Kerr reported incidents to Ms. Pickard and Ms. Pickard reported those incidents to the Human Resources Department in a meeting with Ms. Kerr. Ms. Pickard felt she was obligated to make the report and then was required to participate in the Prior Investigation. According to Ms. Pickard, when Mr. Stancill found out that Ms. Pickard participated in the Prior Investigation, he became negative toward her.

In approximately January 2008, Mr. Sellers heard Ms. Pickard state that, "He shouldn't be a Sergeant, he's stupid." Ms. Pickard also stated, "They're promoting some real winners around here." According to Mr. Sellers, it was clear that Ms. Pickard was referring to Mr. Stancill.

Ms. Pickard denies that she said in January 2008, "He shouldn't be a Sergeant, he's stupid." Ms. Pickard states that she does not recall making the statement, "They're promoting some real winners around here". Ms. Pickard believes that if she did make such a statement, it would have been in reference to all of the younger Police Officers who were being promoted and not specific to Mr. Stancill.

a. Ms. Pickard's statements to Mr. Stancill in November of 2007

In late November of 2007, Ms. Pickard told Mr. Stancill, "I don't know what you heard, but I never called you stupid." Mr. Stancill responded that, "I don't know what it is; I'm disappointed that no one talks to me. I'm just trying to do my job."

Ms. Pickard states that she may have had a conversation with Mr. Stancill as stated above. Ms. Pickard recalls that she was on Mr. Stancill's crew one day after his son was arrested for murder. Mr. Stancill wanted to explain to her what his relationship with his son was. She said that she did not care and she did not think it had anything to do with Mr. Stancill.

Ms. Pickard said she congratulated Mr. Stancill on his promotion, but also told him that she thinks there were people who were more deserving of the promotion than he was. She also told him that, "I will never sabotage you, never embarrass you in front of others and will never let you get yourself in trouble." Ms. Pickard states that she felt that Mr. Stancill did not deserve his promotion only because he had less time and experience on the job than did others who were not promoted. According to Ms. Pickard, it was not personal.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

According to Mr. Stancill, after she denied calling him "stupid", Ms. Pickard responded that, "I'm just pissed against the administration" and she repeated the statement a second time.

Ms. Pickard admits that she may have made a statement about the administration in relation to the process for the Sergeant promotions. It did not have anything to do with Mr. Stancill. Ms. Pickard told Mr. Stancill that, "You're a Sergeant. You just need to do your job. It has nothing to do with you. I'm just pissed at the Administration." Ms. Pickard states that she knows a lot about what goes on behind the scenes because she is a POA Board Member.

There is evidence that Ms. Pickard told a number of other Officers that she thought Mr. Stancill was "stupid" or was "an idiot." Ms. Pickard's false denial to Mr. Stancill, "I don't know what you heard, but I never called you stupid", impairs her credibility.

3. Mike Sobek

According to Mr. Sellers, the first line up after the results were known, Mr. Sobek told his crew, "#1 and #2, I don't have anything to say about. They're OK. But below #2, I've got some problems with some of those decisions." It was clear that Mr. Sobek was referring to Mr. Stancill and the fact that Mr. Stancill was scored higher than Mr. Sobek's wife, Ms. O'Callaghan. Ms. Pickard was also on that shift.

Mr. Sobek states that he does not recall making that specific statement. He knows that he did have a problem with the fact that both Mr. Stancill and Mr. Torres had very limited experience, and that other candidates, including his wife Ms. O'Callaghan, were highly experienced and qualified for the promotion.

Mr. Sobek stated that Mr. Young, whom he identified as the highest ranked candidate, had more experience than both Mr. Stancill and Mr. Torres, so he can see why he would have separated Mr. Young from the other two. His criticisms of the rankings had nothing to do with the individuals personally, but according to Mr. Sobek, were based on whom Mr. Sobek felt had the experience necessary for the position.

Mr. Young was not the highest ranked candidate. Mr. Torres was first, Mr. Young second and Mr. Stancill was third. Mr. Sobek's explanation regarding the experience levels of the candidates is not consistent with where they ranked. Mr. Stancill and Mr. Torres have very similar types of work experience and started work on the same day.

Mr. Sobek stated that he did not have a problem with the first (Mr. Torres) and second (Mr. Young) ranked candidates, "but below #2, I've got some problems with those decisions. Mr. Stancill was third.

Mr. Torres reported that Mr. Sobek told Mr. Torres that he had an issue over how high Mr. Stancill was ranked on the test.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

In November of 2007, Ms. O'Callaghan was placed in an Acting Sergeant position. Shortly before that, Mr. Sobek, Ms. O'Callaghan's husband, told Mr. Stancill that he needed to speak with him. They met at a restaurant in San Leandro. Mr. Sobek told Mr. Stancill, "As you know, Annie is going to be an Acting Sergeant. I want to talk with you about the problem you and her have with each other."

Mr. Stancill states that he told Mr. Sobek, "We don't have a problem. She's made it clear that she thought I was dumb and stupid and wanted nothing to do with me. In addition, she has ignored me. If you are worried about me treating her any different, she won't be. I'll treat her like I treat any other Sergeant. I'm not that childish. You don't have to worry about it."

Mr. Sobek recalls that he spoke with Mr. Stancill about his wife. It was clear to Mr. Sobek at that time that his wife and Mr. Stancill "did not like each other." They would not speak with each other. Mr. Sobek reported that Ms. O'Callaghan told him that, "I try to speak with the guy and he ignores me." Mr. Sobek wanted Mr. Stancill and Ms. O'Callaghan to be civil to each other, so he spoke with Mr. Stancill about the situation.

Mr. Sobek states that he does not know what the problem was, but he never heard that Ms. O'Callaghan called Mr. Stancill "stupid." Ms. O'Callaghan told Mr. Sobek that she heard from other Police Officers that Mr. Stancill felt she disrespected him and that he had stopped talking to her. Mr. Sobek was aware that Mr. Stancill felt that Ms. O'Callaghan had disrespected him. Mr. Sobek told Mr. Stancill that he was "not going to get in the middle between [his wife] and [Mr. Stancill] with whatever they were going through."

According to Mr. Stancill, Mr. Sobek also told Mr. Stancill that he should not expect an apology from his wife. "She doesn't apologize to anyone for anything." Mr. Sobek denies that he said that.

At the end of the conversation with Mr. Stancill, Mr. Sobek and Mr. Stancill agreed that Mr. Stancill and Ms. O'Callaghan would agree not to ignore each other.

Mr. Sobek later heard that Mr. Stancill thought that Ms. O'Callaghan filed a harassment complaint against him and that he was upset about that. Mr. Sobek knows that Ms. O'Callaghan reported in the Prior Investigation that during a training exercise, Mr. Stancill shot Ms. O'Callaghan in the buttocks and had said her "butt was nice", or words to that effect.

In December 2007, Mr. Torres and Mr. Sobek were in the locker room/Sergeant's Office with Mr. Stancill. Mr. Sobek told Mr. Stancill, as they were speaking about Mr. Stancill's job as a Sergeant, "You know man, things are going to get worse before they get better." Also during this time, Mr. Stancill noticed more and more people not talking to him.

Mr. Sobek recalls having such a conversation with both Mr. Stancill and Mr. Torres around that time. Mr. Sobek states that he told both Mr. Stancill and Mr. Torres that as new Sergeants and supervisors, there is a lot of adjustment in their relationships with

former co-workers whom they now supervise. Mr. Sobek states that he was preparing the new Sergeants to brace themselves that things in that area would likely get worse before they get better.

Mr. Sobek also knew that there was still a lot of anger toward the Chief over how the Sergeant's test in February was handled. Many Police Officers did not think that they got a fair shake in the testing and promotion process.

Mr. Torres had been a Sergeant since March 2007. Mr. Stancill had been in his Sergeant position for only approximately one month.

About two weeks later, Mr. Stancill and Mr. Sobek were in the Sergeant's office when Mr. Sobek told Mr. Stancill, "No matter what you do, it will be wrong and no matter what you say, you're not going to win."

Mr. Sobek states that he made a statement similar to that, but did not mean that it was specific to Mr. Stancill personally. Mr. Sobek states that he was referring to the plight of being a new Sergeant and constantly being tested and challenged by the Police Officers who were previously the new Sergeant's equals. Mr. Sobek stated that he said basically the same things to Mr. Young and Mr. Torres as well.

These comments sound familiar to Mr. Torres. He does not believe the statements were specific to Mr. Stancill, but related to any new Sergeant who would be in that position. Mr. Torres also recalls Mr. Sobek making comments to the effect of, "people will be watching you."

Mr. Sobek was well aware that Ms. O'Callaghan and Ms. Pickard were adamantly opposed to Mr. Stancill's promotion. This conversation took place around the time that Mr. Sobek likely began to hear from Ms. O'Callaghan about Ms. Kerr's and Ms. Trujillo's plans to bring allegations against Mr. Stancill.

During their witness interviews in this investigation, Ms. O'Callaghan and Mr. Sobek declined to discuss the content of their private conversations with each other during this time frame, citing the marital privilege. However, it is highly likely that by that time, Mr. Sobek was aware that Ms. Kerr, Ms. Trujillo and Ms. Callaghan were poised to bring allegations against Mr. Stancill or had already done so.

Mr. Stancill reported that Mr. Sobek told Mr. Stancill that "they" wanted Mr. Stancill make mistakes and "to fail" so they can go to the police administration. Mr. Sobek did not specify who the "they" were.

Mr. Sobek does not recall making that specific statement to Mr. Stancill, but if he did, Mr. Sobek believes it was in relation to the general challenge that all new Sergeants have. In general, the Police Officers are looking to see if the new Sergeants fail. In Mr. Stancill's case, because so many Police Officers felt that Mr. Stancill was not experienced enough to be a Sergeant, they were expecting him to fail.

According to Mr. Torres, Mr. Sobek never told Mr. Torres that people "wanted him to fail."

Mr. Stancill first learned that there were any complaints against him on February 14, 2008.

Mr. Sellers' report that Mr. Sobek criticized Mr. Stancill's ranking on the Sergeant's test in line up with his crew is credible. Mr. Sobek clearly inferred that he had "a problem" specifically with how highly Mr. Stancill was ranked. Mr. Sobek's explanation that he distinguished between Mr. Young, who was more experienced and Mr. Torres and Mr. Stancill who were less experienced is not credible.

Mr. Stancill's reports about Mr. Sobek's statements to him are also credible. Mr. Sobek was aware that Ms. O'Callaghan strongly opposed Mr. Stancill's promotion and that she had disrespected him.

It is more likely than not, that when Mr. Sobek made the statements to Mr. Stancill to the effect that, "things are going to get worse before they get better", people "wanted him to fail" and that "No matter what you do, it will be wrong and no matter what you say, you're not going to win", Mr. Sobek was referring to more than just that Mr. Stancill as a new Sergeant and would be tested. Those statements strongly suggest that Mr. Sobek was aware that Ms. Kerr, Ms. Trujillo, Ms. Pickard and Ms. O'Callaghan were planning to bring exaggerated harassment allegations against Mr. Stancill.

4. Other Police Officers

Mr. Stancill was the Sexual Assault Detective when he took the Sergeant's test. His office was upstairs so he did not have much interaction with the Patrol Officers. However, Mr. Stancill began to hear rumors to the effect that the scoring of the Sergeant's test was manipulated and that Mr. Stancill's score was padded. Officers were saying that there was no way Mr. Stancill could have legitimately scored so high on the test.

Mr. Stancill did not know who was making the negative statements about him, but he noticed that some officers stopped speaking to him, including Ms. O'Callaghan, Ms. Pickard, Mr. Aldred, Mr. Degrano, Officer Pat Kyle ("Mr. Kyle") and Officer Mike Fischer ("Mr. Fischer"). All of the Officers are Caucasian, except Mr. Degrano, who is Hispanic.

Many of the Officers who have been shunning him took the Sergeants test and were ranked lower than Mr. Stancill.

According to Mr. Sellers, before the Sergeant's test, the majority of Police Officers in the Department viewed Mr. Stancill as an astute, street wise cop. After the test, Mr. Sellers heard Officers make remarks to the effect of, "Stancill is an idiot."

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

In addition to Ms. Pickard, Mr. Sellers heard Mr. Degrano, Mr. Aldred and Tara Fischer ("Ms. Fischer") make comments he felt were derogatory toward Mr. Stancill. Ms. Fischer said, "I don't know why they are promoting some of these people." Ms. Fischer has also said that "Stancill cheats on his wife."

After the Sergeant's test results were known, Ms. O'Callaghan heard Mr. Degrano state that he thought Mr. Stancill was "stupid" or was "an idiot", on more than one occasion, but she cannot remember the dates or times.

Mr. Sellers noted that the group of people who have been denigrating Mr. Stancill are immature. They all talk about each other behind their backs.

Mr. Degrano reported that he was ill when he took the 2007 Sergeant's test. He knew he did not do well that day. He reported that he was not surprised by where he ranked because he knew he did not perform well in the interview, and that he was not angry about it.

Several other witnesses reported that Mr. Degrano was extremely angry about the test results.

In November or December 2007, Mr. Cronin told Ms. O'Callaghan that he was on a call with Mr. Stancill and a citizen had a complaint about Officer Cronin and wanted to speak with his supervisor, Mr. Stancill. Mr. Stancill initially told Officer Cronin that he did not want to speak with the woman because he knew her; their sons were serving time together. After hesitating, Mr. Stancill then did speak with the woman about her issues with Mr. Cronin. Mr. Cronin told Ms. O'Callaghan he thought Mr. Stancill was "stupid" for saying that.

Mr. Young has heard people say that Mr. Stancill is "stupid" or "is an idiot". Mr. Young does not recall who made the comments, but he believes that they were made because Mr. Stancill has made inappropriate comments in the past. Mr. Young's impression is that the inappropriate comments Mr. Stancill has made in the past cause people make derogatory comments about him.

Officer Matthew Costa ("Mr. Costa") told Mr. Sellers recently, "What I'm hearing about DeWayne is not true." Mr. Sellers said, "Let me guess, he's not as dumb or stupid as you're being told." Mr. Costa smiled and said, "Let's just say I've heard some things." Mr. Sellers knew that Mr. Costa had heard the bad mouthing of Mr. Stancill by various Officers. They did not discuss the subject further.

a. Degrano Meeting

In the summer of 2007, there was a meeting of 10-12 Officers at Mr. Degrano's house, at which the Officers planned their response to the Sergeants test results. Mr. Degrano, Ms. O'Callaghan, Mr. Aldred and others were there. Mr. Stancill understands that there were comments from Officers at the meeting to the effect that Mr. Stancill is a dumb, stupid,

CONFIDENTIAL INVESTIGATION REPORT DeWayne Stancill Complaint

idiot and could not have possibly been ranked as high as he was ranked on the promotional list.

Mr. Degrano stated that he hosted a meeting at his house because he and others were concerned that morale was low. Ms. O'Callaghan, Ms. Pickard, Paul Nuno, Scott Kagel, Mr. Costa, and Pat Kyle attended, as well as others whom he cannot remember. Mr. Degrano stated that the reason he hosted the meeting was because he still has seven years before he retires and wanted to do what he could to improve morale. Morale had never been that low. Mr. Degrano stated that he did not know what caused the low morale and wanted to find out.

Mr. Degrano stated that the Sergeant's test was part of the reason the meeting was called, but not the whole reason. He stated that he received telephone calls from some of the younger officers who felt they were not being treated fairly. Mr. Degrano reported that Mr. Morgan and Mr. Costa had called him and told him that the younger Officers felt that morale was low and that they wanted to know what was going on. Mr. Degrano reported that he told the Officers that he had not noticed that morale was low but he wanted to find out why.

Mr. Morgan stated that he did not call Mr. Degrano to ask why morale was low and did not ask Mr. Degrano to set up the meeting. After he heard about the meeting, Mr. Morgan asked Mr. Degrano what it was about. According to Mr. Morgan, Mr. Degrano responded saying that the meeting was to discuss morale in the department. Mr. Morgan understood that the concerns were mainly of the veterans and how the Sergeant's test came out. Mr. Morgan was not affected by that so he did not feel that he was involved.

According to Mr. Degrano, they invited Officers with 2-3 years of experience to see how they felt. They invited Officers from different shifts. It was announced as a barbeque and that people were free to vent. They did not invite supervisors so the Officers would feel free to vent.

At the barbeque, they discussed issues in the Department, including the Sergeants testing process and the use of statistics by the administration. The plan was to prepare a list of issues and concerns to present to the Chief. They produced a list which Mr. Degrano shared with Lieutenant Lemmon.

According to Ms. O'Callaghan, during the meeting, because some Police Officers were so disgruntled, someone proposed a work action wherein one month they would flood the system with citations and arrests and the next month would hold back on those actions. That idea was immediately shot down and never implemented.

Mr. Henderson reported that he got a flyer in his box about the meeting, he thought it was a barbeque and he went. According to Mr. Henderson, Mr. Degrano was the one who suggested that one month the Patrol Officers write every possible citation and make every possible arrest they can to gum up and overwhelm the system. The next month, they would do the opposite and decline to write citations or make arrests unless absolutely

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

necessary. The feelings being expressed were that the Administration was not respecting the Patrol Officers.

According to Mr. Henderson, Mr. Degrano made it clear that he was very upset about the results of the Sergeants test. He wanted the promotions to be based on seniority. They also complained about the new requirement for a college degree. The complaint was that it was a sporadic requirement. Some Lieutenants don't have degrees and the Officers felt that was not fair.

Mr. Henderson stayed at the barbeque for 30 minutes and then left. He did not hear any negative comments directed at Mr. Stancill when he was there, but it was clear that the results of the Sergeants test was a big issue for the group. They were angry with the Command staff.

Ms. O'Callaghan does not specifically recall any mention of Mr. Stancill at the meeting, but his name may have come up when they were discussing the process for the Sergeant's test.

Mr. Degrano gave Lieutenant Lemmon the list of issues and the two had long conversation after the meeting at Mr. Degrano's house. Many of the issues had to do with the Sergeant's testing process. When they spoke, according to Lieutenant Lemmon, Mr. Degrano made it clear that it was nothing specific about the people who came in at the top of the list. It was the process they were concerned about. Lieutenant Lemmon shared the list of issues with Chief Attarian.

There is evidence that Mr. Degrano, Mr. Cronin and other Police Officers made derogatory comments about Mr. Stancill after he was ranked third on the Sergeant's promotion test.

Harassment allegations against Mr. Stancill

Mr. Stancill believes that beginning soon after he was promoted to Sergeant, several female Police Officers made false and unfounded claims against Mr. Stancill in an effort to undermine him, harm his career and to harass him because they were upset that he was promoted and because of his race.

Mr. Stancill believes that Ms. Pickard and Ms. O'Callaghan enlisted Ms. Kerr and other females in the department to lodge exaggerated complaints against Mr. Stancill. According to Mr. Stancill, Ms. Trujillo, Ms. Pickard and Ms. O'Callaghan all joined Ms. Kerr in bringing frivolous harassment complaints against Mr. Stancill.

Beginning in mid-December 2007, there began a cascade of complaints and accusations against Mr. Stancill. Those allegations were investigated in the Prior Investigation. The Human Resources Department notified the participants in the Prior Investigation during the week of June 2, 2008, that the complaints against Mr. Stancill did not constitute sexual harassment.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Although the sexual harassment allegations were not substantiated, Chief Attarian issued a Written Reprimand to Mr. Stancill for poor judgment and unprofessional conduct. Chief Attarian concluded after the investigation that at times Mr. Stancill's, "workplace demeanor was unprofessional and inappropriate" and sometimes offended other employees. Chief Attarian required Mr. Stancill to attend a training session on professionalism in the workplace.

According to Mr. Torres, there was an active rumor mill in the department surrounding Mr. Stancill. That only began after Mr. Stancill scored well on the Sergeants test. There was a rumor that every female in the department had sexual harassment complaints against Mr. Stancill. Mr. Torres heard no rumors or allegations against Mr. Stancill before the Sergeants test.

Mr. Stancill did not talk about the allegations but, according to Mr. Torres, everyone else was. No females in the department spoke with Mr. Torres about any allegations they had against Mr. Stancill.

Mr. Sobek asked Mr. Torres if he had spoken with Mr. Stancill about what was going on. Ms. Fischer told Mr. Torres that she was aware of an investigation. Mr. Torres was surprised to hear that. He wouldn't think she would be privy to that information.

Mr. Young reported that Mr. Stancill called Mr. Young at home and told Mr. Young, "All these women are full of shit and lying about me." Mr. Young had dated Ms. Trujillo on and off for years. Mr. Young thought Mr. Stancill was trying to get him to say that he thought Ms. Trujillo was a liar.

Mr. Stancill also asked Mr. Young whether Mr. Young thought Mr. Stancill was a "womanizer." After hedging with his answers, Mr. Young became frustrated with Mr. Stancill and told him that he had seen some things that would make him think Mr. Stancill was a "womanizer." Mr. Young mentioned Chandra, a woman with whom it was widely known that Mr. Stancill had an affair years ago. Mr. Young told Mr. Stancill, "You're a married guy."

Mr. Young felt it was inappropriate that Mr. Stancill called him to discuss Ms. Trujillo's complaint during the investigation. Mr. Young believes that Ms. Trujillo is honest and is not a liar and Mr. Young told Mr. Stancill that when he called him at home that night. Mr. Stancill responded, "that's messed up."

1. Amanda Kerr

Mr. Aldred's step daughter, Amanda Kerr ("Ms. Kerr") worked in the records department in the Police Department. According to Mr. Tankson, Ms. Kerr was a very social person to the point of being flirty.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Mr. Nguyen-Delgado stated that Ms. Kerr was young and liked to socialize on the job. She did not have a strong work ethic. According to Mr. Nguyen-Delgado, Ms. Kerr was flirtatious and tried to use her youth and looks to get what she wanted at work. When Ms. Kerr batted her eyes at Mr. Nguyen-Delgado, he told her, "Don't try that with me, just get the job done."

According to Mr. Stancill, before he took the Sergeant's test, Ms. Kerr was friendly and even flirty with Mr. Stancill. She frequently came to Mr. Stancill's office to chat during her breaks.

In February 2007, Mr. Stancill told Mr. Torres that Ms. Kerr was coming into Mr. Stancill's office a lot and he felt uncomfortable with that. Mr. Torres did not work with Ms. Kerr. Mr. Stancill asked Mr. Torres to come and stand in his doorway if he saw Ms. Kerr walk into Mr. Stancill's office. This happened a few times in early 2007.

In late 2007, Mr. Stancill told Mr. Torres that Ms. Kerr told Mr. Stancill that she felt Mr. Stancill did not deserve his promotion.

According to Mr. Stancill, after the results of the Sergeant's test were known and Mr. Stancill was ranked ahead of Mr. Aldred, Ms. Kerr stopped speaking with Mr. Stancill and became hostile toward him. Ms. Kerr began to try to interfere with Mr. Stancill's work and tried to make him look bad.

At the time of the test, Mr. Stancill was responsible for monitoring registered sex offenders. Mr. Stancill initiated a new procedure whereby the sex offenders were required to meet with him personally each quarter. Prior to the test, Ms. Kerr had a practice of calling Mr. Stancill to let him know when an offender was there to see him.

After the Sergeant's test results were known but before his promotion, when an offender came into the office, Ms. Kerr began to call Mr. Stancill's Sergeant to say that Mr. Stancill had a meeting, but she did not know where he was. Mr. Stancill felt that Ms. Kerr was trying to make Mr. Stancill look bad. According to Mr. Stancill, Sergeant Rick DeCosta was aware of the situation and did not take action against Mr. Stancill.

According to Mr. Stancill, Ms. Kerr also gave Mr. Stancill harsh looks and rolled her eyes whenever she saw him. On December 1, 2007, Mr. Stancill attempted to speak with Ms. Kerr to find out why she was angry with him. She became even angrier and did not give him any explanation. At one point in their conversation, Ms. Kerr told Mr. Stancill, "What, am I supposed to kiss your ass, because you're a Sergeant?"

One of Ms. Kerr's job responsibilities was to bring police reports and citations up to the Record's Division. After several days in which Ms. Kerr left the reports sitting in the Squad Room, Mr. Stancill came down to retrieve the reports himself. He also mentioned the situation to one of Ms. Kerr's supervisors, Christine Selleaze ("Selleaze") and told her about the discussion he had with Ms. Kerr on December 1st.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Selleaze asked Mr. Stancill to prepare a memorandum describing the issue and Mr. Stancill prepared a memorandum dated December 4, 2007. Mr. Stancill recounted the December 1st conversation he had with Ms. Kerr in his December 4th memorandum.

In early December 2007, Ms. Kerr contacted Ms. Pickard and said that she was receiving discipline for inappropriate statements she made to Mr. Stancill. Ms. Kerr asked Ms. Pickard to accompany her to the disciplinary interview with her supervisor, Denise Lenze ("Ms. Lenze").

Previously, Ms. Kerr spoke with Ms. Pickard about performance issues she was having in her job. She was being criticized by her supervisors. Ms. Pickard had been assisting Ms. Kerr with her responses to the performance criticisms in her role as a POA Board Member. Ms. Kerr did not notify Ms. Pickard of any issues with Mr. Stancill at that time.

While preparing for the disciplinary meeting, according to Ms. Pickard, Ms. Kerr told Ms. Pickard that she made the insubordinate statement to Mr. Stancill partly because she has "the creeps" about Mr. Stancill. Ms. Pickard asked Ms. Kerr what she meant and according to Ms. Pickard, Ms. Kerr "had a hard time explaining it." Ms. Pickard stated that Ms. Kerr was "stumbling over making a sexual harassment complaint against Mr. Stancill." According to Ms. Pickard, Ms. Kerr wanted to complain, but she did not know how.

Ms. Pickard counseled Ms. Kerr to make a complaint of sexual harassment against Mr. Stancill after Ms. Kerr was facing discipline for being insubordinate to Mr. Stancill. The complaint was based on Ms. Kerr telling Ms. Pickard that more than one year prior to her insubordinate conduct, Mr. Stancill made her "feel creepy" when Mr. Stancill said to Ms. Kerr, "you look nice" and "mysterious" in that shirt.

Ms. Kerr only reported that she had any concern about Mr. Stancill's conduct after she received counsel from Ms. Pickard regarding her defense against the disciplinary charges.

Ms. Kerr told Ms. Estrin in the Prior Investigation that the first time she mentioned her concerns about Mr. Stancill's conduct was on December 26, 2007, while meeting with Ms. Lenze and Ms. Pickard.

Ms. Pickard reported that the topic was first raised in a prior private discussion between Ms. Kerr and Ms. Pickard in preparation for answering to the disciplinary charge. Ms. Pickard told Ms. O'Callaghan that Ms. Kerr was going to bring allegations against Mr. Stancill the same day she first spoke with Ms. Kerr about bringing the allegations. Ms. Pickard and Ms. O'Callaghan are very close friends and spend a lot of time together. They go on vacations together and socialize outside of work.

Ms. O'Callaghan reported that one or two weeks before Christmas 2007, Ms. Kerr contacted her and told Ms. O'Callaghan that she was being disciplined for insubordination due to a report by Mr. Stancill. Ms. Kerr told Ms. O'Callaghan that she was looking for some direction from Ms. O'Callaghan. Ms. Kerr told Ms. O'Callaghan

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

that Mr. Stancill had commented about Ms. Kerr's clothing and that made Ms. Kerr uncomfortable.

In Ms. Kerr's interview in the Prior Investigation on January 14, 2008, Ms. Kerr told Ms. Estrin that she should also speak with Ms. Pickard, Ms. Kovach, Ms. Lenze and Ms. O'Callaghan.

According to Mr. Pricco, Ms. Kerr was very immature and wasn't doing the job. Ms. Lenze and Mr. Pricco spent a lot of time counseling Ms. Kerr about her work performance.

Mr. Pricco first heard about Ms. Kerr's allegations against Mr. Stancill from Ms. Lenze. Ms. Lenze told Mr. Pricco about the meeting between Ms. Kerr, Ms. Pickard and Ms. Lenze, at which Ms. Kerr made an allegation against Mr. Stancill. Mr. Pricco heard that Ms. Kerr said she felt intimidated by Mr. Stancill because of "sexual references" Mr. Stancill made to her months before the incident of insubordination.

Ms. Kerr later told Mr. Pricco that she told Mr. Stancill, "Don't think I'm going to kiss your ass just because you're a Sergeant" because she felt intimidated by Mr. Stancill. Mr. Pricco also heard that Ms. Kerr spent a lot of time in Mr. Stancill's office.

Ms. O'Callaghan also told Mr. Pricco about Ms. Kerr's allegations against Mr. Stancill. Ms. O'Callaghan stated that she told Mr. Pricco that she too "had similar problems with Mr. Stancill."

According to Mr. Pricco, within days of hearing about Ms. Kerr's allegations, Mr. Pricco heard about others who had complaints against Mr. Stancill. Mr. Pricco does not recall if Ms. O'Callaghan told him that she too had allegations against Mr. Stancill. Later, Mr. Pricco heard about Ms. Trujillo's allegations against Mr. Stancill. Mr. Pricco stated that he took the information to Captain Willis.

Ms. Kerr was disciplined for the incident with Mr. Stancill and was released from probation soon thereafter for other performance deficiencies. After Ms. Kerr was released from probation, Mr. Aldred, Ms. Kerr's stepfather, stopped speaking with Mr. Pricco.

2. Ms. Trujillo

Ms. Trujillo first worked with Mr. Stancill when he was promoted to Sergeant in October 2007. She was assigned to his shift after returning from light duty. Ms. Trujillo was on Mr. Stancill's crew from October 16, 2007 to January 7, 2008.

Prior to that, Ms. Trujillo saw Mr. Stancill frequently, when he was in the Detective Unit and she was working light duty. Ms. Trujillo stated that her interactions with Mr. Stancill while she was on light duty were professional.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Trujillo feels that Mr. Stancill harassed her based on her gender from mid October 2007 to January 2008 when he was her Sergeant. Ms. Trujillo reported that Mr. Stancill called Ms. Trujillo "Baby" and was condescending toward her.

Mr. Barr reported that Ms. Trujillo told Mr. Barr that she was concerned about Mr. Stancill being a Sergeant even before his promotion in October 2007. Ms. Trujillo told Mr. Barr that she had a good relationship with Mr. Stancill, but that Mr. Stancill told her one time that he does not forget when someone says something bad about him. Mr. Stancill was confiding in Ms. Trujillo. Mr. Stancill told her that he never forgets when someone "shits" on him.

Ms. O'Callaghan stated that she first spoke with Ms. Trujillo about Mr. Stancill in September or October 2007. Ms. Trujillo had been on Mr. Stancill's shift, and Ms. O'Callaghan asked her how things were going. Ms. Trujillo told Ms. O'Callaghan that Mr. Stancill had nicknames for everyone on his shift and that Ms. Trujillo's nickname was "Baby." Ms. Trujillo said that she was uncomfortable with that nickname.

Ms. O'Callaghan told Ms. Trujillo that she should tell Mr. Stancill not to call her "Baby." Ms. Trujillo told Ms. O'Callaghan that she planned to do so. Ms. O'Callaghan went on to tell Ms. Trujillo that if she did not tell Mr. Stancill to stop calling her "Baby", that Ms. O'Callaghan would have to tell someone, meaning that she would report that to a Lieutenant.

Ms. Pickard reported that she first learned that Ms. Trujillo had concerns about Mr. Stancill in approximately mid-December 2007 or January 2008. In a conversation in the Locker Room, Ms. Trujillo was saying that Mr. Stancill was calling her "Baby" or "honey" and she did not like that. Ms. Pickard stated that she and Ms. Trujillo were not close then. She "would not have gone out for a beer with" Ms. Trujillo.

Ms. Trujillo also reported that the conversation she had with Ms. O'Callaghan took place in mid-December 2007. Ms. Trujillo stated that she decided that she would stand up to Mr. Stancill and tell him to stop calling her "Baby."

Before she confronted Mr. Stancill on December 14th, Ms. Trujillo spoke with Ms. O'Callaghan and told Ms. O'Callaghan that she wanted to confront Mr. Stancill about calling her "Baby." Ms. Trujillo told Ms. O'Callaghan what was going on. Ms. Trujillo stated that she "wanted Ms. O'Callaghan to know so that she could say she came to her first."

According to several witnesses, before that, Ms. Trujillo and Ms. O'Callaghan were not particularly close. Ms. Kovach reported that Ms. O'Callaghan did not like Ms. Trujillo.

Based on the timing reported by Ms. Trujillo and Ms. Pickard, it is more likely than not that Ms. O'Callaghan initiated the discussion with Ms. Trujillo about Mr. Stancill within a day or two after Ms. O'Callaghan heard that Ms. Kerr was going to lodge a complaint against Mr. Stancill.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

A few weeks after she first spoke with Ms. Trujillo, Ms. O'Callaghan asked Ms. Trujillo again how things were going and did she speak with Mr. Stancill about the nickname he was using for her. Ms. Trujillo told Ms. O'Callaghan that she did speak with Mr. Stancill and, "interestingly enough, now her reports were getting kicked back", or words to that effect.

Ms. Trujillo reported that she confronted Mr. Stancill and told him not to call her "Baby" anymore on December 14, 2007. According to Ms. Trujillo, after that, Mr. Stancill began to retaliate against her when he skipped her in lineup, kicked back her police reports, publically criticized her for being in the police station and gave Ms. Trujillo an unfair performance evaluation in January 2008.

Ms. Trujillo made a verbal complaint about Mr. Stancill to Chief Attarian on or about December 28, 2007 and followed up with a written complaint dated January 10, 2008. Those complaints were investigated in the Prior Investigation and are also addressed in the Trujillo Investigation.

Ms. Pickard stated that she followed up with Ms. Trujillo a month or two later. Ms. Trujillo told Ms. Pickard that she "took care of" the situation with Mr. Stancill. Ms. Pickard had the sense that Ms. Trujillo had no more problems with Mr. Stancill.

Ms. Kovach thinks that Ms. Trujillo started the whole sexual harassment thing against Mr. Stancill. Ms. Trujillo told Ms. Kovach that she is "mortified to work with Mr. Stancill."

According to Ms. Trujillo, when she brought her complaints against Mr. Stancill, she did not know that other female employees at the City had also raised complaints about Mr. Stancill's treatment of them. Ms. Trujillo states that she later learned that during the Prior Investigation, Ms. Kerr, Ms. Pena-Hornung, Ms. Jackson and Ms. Tiletile also notified the City that they had been harassed by Mr. Stancill.

Ms. O'Callaghan states that she does not recall if she spoke with Ms. Trujillo in December 2007 about Ms. Kerr's complaint against Mr. Stancill, but she may have.

Ms. Trujillo was Ms. Kerr's Explorer Leader when Ms. Kerr was in the program and is also close friends with Mr. Aldred, Ms. Kerr's stepfather. According to several witnesses, Ms. Kerr and Ms. Trujillo were good friends.

Ms. Trujillo spoke with Mr. Molettieri about her complaints with Mr. Stancill on December 28, 2007. Mr. Molettieri called Mr. Sobek asking for advice on how to handle a report of harassment by Ms. Trujillo. Mr. Sobek directed Mr. Molettieri to bring the report to the Chief.

After he spoke with Mr. Molettieri about Ms. Trujillo's complaint, Mr. Sobek heard from Mr. Aldred, who asked him if he could recommend an attorney for Ms. Kerr. Mr. Aldred

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

told Mr. Sobek that Ms. Kerr wanted to bring a complaint against Mr. Stancill because, "DeWayne's messing with her."

Mr. Sobek told Mr. Aldred that he did not know of an attorney he could recommend. Mr. Sobek knew that his wife had conversations with Ms. Kerr about her allegations against Mr. Stancill. Mr. Sobek does not know whether Ms. Trujillo and Ms. Kerr spoke with each other about their issues with Mr. Stancill.

About one week later, Ms. Trujillo asked Mr. Sobek to proofread a written complaint she was to give to the Chief about Mr. Stancill.

Ms. O'Callaghan reported that Ms. Trujillo spoke with Ms. O'Callaghan in December 2007 and told her that she was bringing a complaint against Mr. Stancill.

Ms. Trujillo also asked Sergeant Lemmon and Mr. Molettieri to "proofread" her written complaint against Mr. Stancill before she gave it to Chief Attarian on or about January 10, 2008.

3. Ms. O'Callaghan

Ms. Kerr suggested to Ms. Estrin in the Prior Investigation that she speak with Ms. O'Callaghan. When she was interviewed, Ms. O'Callaghan told Ms. Estrin that there were two or three exchanges Ms. O'Callaghan had with Mr. Stancill over the past seven or eight years in which Mr. Stancill did things that Ms. O'Callaghan felt were "stupid."

Ms. O'Callaghan states that just after the Sergeant's test, in February 2007, she went to Mr. Pricco and told Mr. Pricco that she thought Mr. Stancill was a "liability." She told Mr. Pricco that Mr. Stancill had made inappropriate comments in the past and that if he continued to make such comments he would be a liability as a supervisor.

Ms. O'Callaghan did not give Mr. Pricco any examples of the statements she was referring to. Ms. O'Callaghan thinks she may have told Mr. Pricco that she thought Mr. Stancill was "stupid" for making those statements.

Mr. Pricco states that he does not recall Ms. O'Callaghan telling him that she thought Mr. Stancill was "a liability", but he says it is possible that it occurred. Mr. Pricco recalls that Ms. O'Callaghan was very upset that Mr. Stancill was rated more highly than she was on the Sergeants test.

Ms. O'Callaghan stated that in February 2007, she also told Lieutenant Lemmon that she thought Mr. Stancill was "a liability." She told Lieutenant Lemmon that Mr. Stancill made a comment about how her jeans fit.

Lieutenant Lemmon reported that he cannot remember when this occurred, but he does recall that Ms. O'Callaghan told him something about Mr. Stancill making a comment about how Ms. O'Callaghan's jeans fit her. According to Lieutenant Lemmon, it wasn't a complaint, it was a comment. Lieutenant Lemmon does not recall Ms. O'Callaghan telling him that she thought Mr. Stancill would be "a liability" as a supervisor.

Ms. O'Callaghan also reported to Ms. Estrin that on one occasion, Mr. Stancill made her feel uncomfortable because he made reference to the color of his skin. Mr. Stancill insinuated that Ms. O'Callaghan was not aware that Mr. Stancill had a cast on his arm because he is Black. The statement made Ms. O'Callaghan feel uncomfortable.

Ms. O'Callaghan told Ms. Estrin in January 2008 that she did not want to complain about Mr. Stancill's conduct because she believed he would make it into a "racial incident." Ms. O'Callaghan also reported to Ms. Estrin that when Ms. O'Callaghan was selected for a particular position, Mr. Stancill told her, "way to break the glass ceiling" and that her appointment was "good for us minorities." Ms. O'Callaghan felt awkward when Mr. Stancill made those comments.

Ms. O'Callaghan also told Ms. Estrin that, "Sergeant Stancill is not smart enough to know not to joke with people he is not friends with. She feels it is easier to ignore his behavior since she does not have to deal with it on a day-to-day basis. She added that it is not her intention to see Sergeant Stancill in trouble or demoted. She is not trying to get his position, saying she has a better schedule if she does not get promoted." Ms. O'Callaghan also stated that "she does not trust Sergeant Stancill, and that she thinks he is a liability because he does not know how to keep his mouth shut."

Although she made the above reports to Ms. Estrin, Mr. Pricco and Lieutenant Lemmon, Ms. O'Callaghan states that she never brought any complaint against Mr. Stancill. Ms. O'Callaghan stated in her witness interview in this investigation that, "Mr. Stancill is not smart enough to find out who filed a complaint against him."

4. Ms. Kovach

Ms. Kerr reported to Ms. Estrin in the Prior Investigation that Ms. Estrin should speak with Ms. Kovach. Ms. Kovach reported that on Friday, December 21, 2007, she was standing in the doorway of Mr. Stancill's office. She mentioned to Mr. Stancill that she needed "chocolate". Mr. Stancill was seated behind his desk and replied, "Here's 265 pounds of chocolate." Ms. Kovach stated in her witness interview in the current investigation on July 23, 2007, that she thought the comment was funny and she was not offended.

The same day, Ms. Kovach took a lunch break with her partner Mr. Aldred and Mr. Aldred's wife. Ms. Kovach mentioned the "chocolate" comment to the Aldreds. The next thing she knew, Ms. Kovach was called into Ms. O'Callaghan's office and asked about the comment.

Ms. Kovach states that she "got dragged into" the Prior Investigation when she mentioned the "Chocolate" comment to Mr. Aldred. Ms. Kovach is friends with the Aldreds. After Ms. Kovach mentioned Mr. Stancill's "chocolate" comment to Mr. Aldred, he contacted Ms. O'Callaghan and told her.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. O'Callaghan reported that in December 2007, Mr. Aldred came to Ms. O'Callaghan and told her, "You need to speak with Kerri Kovach, she's got something she needs to tell you", or words to that effect.

Ms. O'Callaghan followed up with Ms. Kovach and asked her if she needed to speak with her. According to Ms. O'Callaghan, they went into the Sergeant's office and Ms. Kovach told Ms. O'Callaghan that "before Mr. Stancill became a Sergeant", Ms. Kovach was on a call with Mr. Stancill, and Ms. Kovach stated to Mr. Stancill that she "could really use some chocolate", or words to that effect. Mr. Stancill replied, "Here's 245 pounds of chocolate right here."

Ms. O'Callaghan states that she asked Ms. Kovach if the statement made her feel uncomfortable and Ms. Kovach "made a gagging sound" and said "Yes." Ms. Kovach then said, "Just so you know, I don't want to get involved in this because I don't want to lose my job. I'm a single mother and I can't afford to lose my job", or words to that effect. According to Ms. O'Callaghan, Ms. Kovach explained to Ms. O'Callaghan, "You know how it goes, you report someone and all of a sudden, you're in trouble."

Ms. O'Callaghan states that Ms. Kovach did not tell Ms. O'Callaghan that she thought the comment was funny or that it was not offensive to her. According to Ms. O'Callaghan, Ms. Kovach reported to Ms. O'Callaghan that Mr. Stancill's comment made her feel uncomfortable.

Around the same time, according to Mr. Sobek, Ms. Kovach told Mr. Sobek that Mr. Stancill "said something offensive to her." Ms. Kovach "may have said she thought the comment was funny." Mr. Sobek said that he felt Ms. Kovach "needs to speak with someone about the comment because it is not appropriate." Ms. Kovach told Mr. Sobek she wanted to "stay under the radar."

Ms. O'Callaghan reported Ms. Kovach's information to Lieutenant Pricco. Even though Ms. Kovach said she did not want to make a complaint, Ms. O'Callaghan felt she had an obligation to report the incident because Ms. Kovach told her the statement made her feel uncomfortable. According to Ms. O'Callaghan, if Ms. Kovach had said that she thought it was funny or that she was not uncomfortable, Ms. O'Callaghan would not have reported it.

There is a direct factual dispute between Ms. O'Callaghan and Ms. Kovach about whether Ms. Kovach told Ms. O'Callaghan that she was offended. Ms. Kovach states that she told Ms. O'Callaghan she thought Mr. Stancill's comment was funny and that she was not offended. Ms. O'Callaghan states that Ms. Kovach reported to her that she was offended but would not make a complaint because she thought she would lose her job if she did so.

During the Prior Investigation, Ms. Kovach reported to Ms. Estrin that Ms. Kovach was not offended by the comment and thought it was funny. Mr. Sobek believes that Ms. Kovach "may have" told him in December 2007, that she thought the comment was

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

funny. Ms. Kovach made the same report to this investigator in her interview on July 23, 2007.

Ms. Kovach also told Lieutenant Lemmon about Mr. Stancill's "chocolate" comment. Ms. Kovach told Lieutenant Lemmon that she had mentioned the comment to Mr. Aldred and that she did not want to be involved. Ms. Kovach also told Lieutenant Lemmon that she was not offended by Mr. Stancill's statement and had no complaint. It was clear to Lieutenant Lemmon from Ms. Kovach's demeanor when she described the situation, that she was not upset by the "chocolate" comment.

The weight of the evidence suggests that Ms. O'Callaghan ignored Ms. Kovach's statements that she was not offended and decided to report the statements to Mr. Pricco as another allegation against Mr. Stancill. There was no indication in Ms. Kovach's demeanor during her recent interview to suggest that she was being untruthful when she said she was not offended by Mr. Stancill's comment. Ms. Kovach took the comment as a joke and thought it was funny. Ms. Kovach made prior corroborating statements to Lieutenant Lemmon and Ms. Estrin.

By contrast, Ms. O'Callaghan's statements and demeanor in her witness interview in which she insisted that Ms. Kovach told her she was offended, did not appear to be truthful. Ms. O'Callaghan seemed intent on characterizing the comment as offensive so as to provide support to allegations against Mr. Stancill.

5. Ms. O'Callaghan asked Ms. Kovach to bring claims against Mr. Stancill and the City

According to Ms. Kovach, Ms. O'Callaghan asked Ms. Kovach several times to join in a planned lawsuit against the City making claims of sex discrimination and harassment. Ms. Kovach stated that Ms. O'Callaghan started hounding Ms. Kovach to contact the attorney and get involved in the lawsuit. Ms. O'Callaghan wanted Ms. Kovach to pay \$4,500 to the attorney and become a Plaintiff.

Ms. O'Callaghan denies that she "hounded" or pressured Ms. Kovach to get involved in the lawsuit. Ms. O'Callaghan states that she was trying to reassure Ms. Kovach that she should address her issues even though she was fearful of retaliation. According to Ms. O'Callaghan, in addition to the incident with Mr. Stancill, Ms. Kovach told Ms. O'Callaghan about concerns she had about sexual harassment in the past by Mr. Spirou.

Ms. O'Callaghan reported that Ms. Kovach told Ms. O'Callaghan, "Hey, I heard that Amanda got a lawyer, have you spoken with the guy?", or words to that effect. Ms. O'Callaghan replied, "Yes, and maybe you should talk to him too."

According to Ms. O'Callaghan, Ms. Kovach acknowledged that she should speak with the lawyer, but said that she was hesitant to because she feared retaliation. According to Ms. O'Callaghan, Ms. Kovach raised the issue with Ms. O'Callaghan several times, telling her, "I know I should call that lawyer, but I don't want to get fired", or words to that effect. Ms. O'Callaghan replied, "Well, just call him and see what he says."

Ms. Kovach reported that she has had some issues in the past with how she was treated, but that she dealt with and resolved those issues directly as they arose. One time, Ms. Kovach was compelled to file a complaint and that was dealt with in an Internal Affairs investigation. According to Ms. Kovach, Chief Attarian was the one who made sure the incident got addressed. Ms. Kovach stated that she declined to join Ms. O'Callaghan's lawsuit because all of the issues that Ms. Kovach has raised internally have been addressed in ways that were satisfactory to her.

Again, there is a factual dispute between Ms. Kovach and Ms. O'Callaghan as to what Ms. Kovach told Ms. O'Callaghan. Ms. Kovach states that she told Ms. O'Callaghan that she did not have any issues that she needed help to address and would not become involved in a lawsuit. According to Ms. O'Callaghan, Ms. Kovach responded that she had gotten nothing but retaliation for her involvement in the Prior Investigation and that is why she wanted nothing to do with the lawsuit. Ms. Kovach denies making that statement.

According to Ms. Kovach, Ms. O'Callaghan then told Ms. Kovach "you're in it anyway, the attorney will subpoena you and you will have to participate." Ms. O'Callaghan acknowledges that she did tell Ms. Kovach something like "you're in it anyway, the attorney will subpoena you and you will have to participate." According to Ms. O'Callaghan, her statement was not a threat, it was a fact.

According to Ms. Kovach, Mr. Sobek also pressured Ms. Kovach to get involved with the lawsuit. He told Ms. Kovach, "Just do this for Annie, you owe it to her, do it for Annie."

Mr. Sobek denies that he told Ms. Kovach that she should get involved in the lawsuit against the department "for Annie's sake." Mr. Sobek states that he "might have" told Ms. Kovach that she should contact the attorney Ms. O'Callaghan was working with because he feels that the way women are treated in the department is wrong. Mr. Sobek acknowledges that he told Ms. Kovach that if she thinks she was wronged, she should do something about it.

6. Ms. Pickard

Ms. Pickard denies that she has attempted to harass, undermine or make false claims against Mr. Stancill. Nor is Ms. Pickard aware of any other Police Officers making attempts to undermine Mr. Stancill.

Ms. Pickard was called as a witness in the Prior Investigation. Ms. Kerr told Ms. Estrin that she should speak with Ms. Pickard after Ms. Pickard assisted Ms. Kerr with raising a harassment complaint against Mr. Stancill.

Ms. Pickard did not claim in the Prior Investigation that Mr. Stancill did or said anything to her that she thought was sexual harassment.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Pickard told Ms. Estrin on January 22, 2008, in the Prior Investigation that:

Sergeant Stancill has a "way about him". "He can be professional in one regard, and totally inappropriate the next."

...

In officer Pickard's opinion, Sergeant Stancill is not appropriate or professional. She added that he can act professional, and he has the Administration believing that he is. Ms. Pickard reported that she has responded to calls with Mr. Stancill where he talks "ghetto". Officer Pickard does not like Sergeant Stancill's style. She does not think he treats co-workers and citizens appropriate all the time. She added that there are two sides to him. "He goes to church with his Lieutenant and to prayer groups and family get-togethers; and the other side is that he cheats on his wife, get drunk, and acts inappropriately."

Ms. Pickard also told Ms. Estrin that if Mr. Stancill feels he is being attacked, he fights. Mr. Stancill took it personally when he found out that Ms. Pickard did not agree with his promotion. Ms. Pickard reported that Mr. Stancill asked her what her problem was with him, and she told him that it was not personal, but she felt there were people more worthy than him for the Sergeant's promotion.

Ms. Pickard also acknowledged in her witness interview with Ms. Estrin on January 22, 2008 that, in addition to Ms. Kerr, she had spoken with Ms. Trujillo, Ms. Kovach and Ms. O'Callaghan about Mr. Stancill. Ms. Pickard also told Ms. Estrin that for the two weeks prior to her witness interview, Mr. Stancill had ignored Ms. Pickard. Ms. Pickard attributed that to the fact that she accompanied Ms. Kerr to the meeting Ms. Kerr had with her supervisor in which Ms. Kerr and Ms. Pickard brought forward the allegations against Mr. Stancill. Ms. Pickard was not on the same shift as Mr. Stancill.

Mr. Stancill was first notified that Ms. Kerr raised allegations against him on February 14, 2008.

In her interview in this investigation on August 18, 2008, Ms. Pickard stated that Mr. Stancill engaged in conduct in the past that Ms. Pickard found offensive, but she did not complain to him or any supervisor. Nor did Ms. Pickard report these incidents in the Prior Investigation when she spoke with Ms. Estrin in January 2008.

According to Ms. Pickard, when she was in the Investigations Unit in 2000-2001, when she took her jacket off, Mr. Stancill "stared at" her breasts. Ms. Pickard stated that she has large breasts. Mr. Stancill was not a Detective at the time, but was in Patrol. According to Ms. Pickard, some of the other male Police Officers in the Unit at the time also stared at Ms. Pickard's breasts when she took her jacket off, but it was Mr. Stancill whom she remembers as making her feel most uncomfortable. According to Ms. Pickard, the staring incidents occurred approximately three times with Mr. Stancill. Ms. Pickard recalls telling Ms. O'Callaghan that she "can't take off her jacket anymore", but she did

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

not say anything specific about Mr. Stancill or anyone else. Ms. Pickard states that she does not recall who the other male Police Officers were who stared at her breasts.

Ms. Pickard's new allegation against Mr. Stancill lacks credibility. Ms. Pickard and Mr. Stancill did not work on the same shift at the time the alleged staring incidents occurred and Ms. Pickard made no mention of the allegations to anyone before her witness interview in the current investigation. Had Ms. Pickard truly believed that Mr. Stancill harassed her by staring at her breasts, she more likely than not would have reported that conduct to Ms. Estrin in the Prior Investigation.

In her July 2008 interview in this investigation, Ms. Pickard stated that Ms. Kerr told her in December 2007, that Mr. Stancill "pushed her into a corner of the room" and said, "You have a great shirt", that Mr. Stancill said, "Your breasts look good in that shirt" and that Ms. Kerr told Ms. Pickard that Mr. Stancill closed the door to the office which made Ms. Kerr uncomfortable.

Ms. Pickard's report in her witness interview is a significant exaggeration of what Ms. Kerr actually reported as her allegations against Mr. Stancill in December 2007. According to documentation of the report Ms. Kerr made to Mr. Caire in December 2007, Mr. Kerr told Mr. Caire, in Ms. Pickard's presence, that in the summer of 2006, Mr. Stancill made comments regarding the blouse she was wearing. Ms. Kerr had worn a blouse over an undershirt that had white lace on the top and bottom. Ms. Kerr reported that in the summer of 2006, Mr. Stancill said he, "preferred it when she wore tops with the lace on them" and that the clothing made Ms. Kerr "look nice" and "mysterious." Ms. Kerr reported that Mr. Stancill's comments made her "feel creepy." Ms. Kerr made essentially the same report to Ms. Estrin in the Prior Investigation on January 14, 2008.

Ms. Kerr did not claim that Mr. Stancill ever "pushed her into a corner of the room"; made any comment about Ms. Kerr's breasts or that Mr. Stancill closed the door to his office when Ms. Kerr came in.

7. Ms. Jackson, Ms. Pena-Hornung and Ms. Tiletile

Ms. Wilske was friendly acquaintances with Christina Tiletile ("Ms. Tiletile"), Tai Pena-Hornung ("Ms. Pena-Hornung"), and Kami Jackson ("Ms. Jackson"), three female Police Officers who left the department in early 2008.

About two months before they left, Ms. Wilske had lunch with Ms. Tiletile and Ms. Pena-Hornung. Ms. Wilske reported that Ms. Tiletile and Ms. Pena-Hornung spent the entire lunchtime complaining about how the Sergeants "micromanage." Ms. Tiletile and Ms. Pena-Hornung told Ms. Wilske that they were most upset about how Mr. Torres managed their work.

Ms. Tiletile and Ms. Pena-Hornung did not mention any issues with Mr. Stancill. Ms. Wilske told them at the lunch that if they were so unhappy, they should leave and go somewhere they were happier to work.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Wilske knew that Ms. Tiletile and Mr. Stancill were friends. Ms. Tiletile never said that she had any issues with Mr. Stancill.

Ms. Jackson was interviewed in the Prior Investigation on February 21, 2008 and Ms. Pena-Hornung was interviewed on February 22, 2008. According to Ms. Estrin's report, Ms. Estrin had arranged to interview Ms. Tiletile before February 28th when Ms. Tiletile resigned. Ms. Tiletile did not keep a subsequent appointment for an interview with Ms. Estrin.

a. Kami Jackson

Ms. Jackson resigned from the Police Department on February 20, 2008, with no advance notice. Ms. O'Callaghan spoke with Ms. Jackson that day. According to Ms. O'Callaghan, Ms. Jackson told Ms. O'Callaghan that she was resigning "because of Mr. Stancill." Ms. Jackson said that Mr. Stancill has "harassed" her due to report writing problems. Ms. O'Callaghan had heard that other Sergeants had concerns about Ms. Jackson's report writing as well. According to Ms. O'Callaghan, Ms. Jackson made no claim that Mr. Stancill had sexually harassed her.

Ms. O'Callaghan stated that she thought that when a Police Officer resigns, you have an exit interview with the Chief. She told Ms. Jackson that she should speak with the Chief and let him know why she was leaving the Department. Ms. O'Callaghan does not think Ms. Jackson met with the Chief.

b. Tai Pena-Hornung

Ms. Pena-Hornung also resigned from the Police Department on February 20, 2008. The day she gave notice of her resignation, Ms. Pena-Hornung spoke with Ms. O'Callaghan in the Locker Room. According to Ms. O'Callaghan, Ms. Pena-Hornung initiated the conversation. She told Ms. O'Callaghan that she was sorry that things had not worked out for her at San Leandro and that she was sorry she was leaving. Ms. Pena-Hornung stated that she felt she did not fit in well in the San Leandro Police Department.

According to Ms. O'Callaghan, Ms. Pena-Hornung volunteered to Ms. O'Callaghan that she thought Mr. Stancill would end up getting fired because Mr. Stancill made inappropriate comments to Ms. Pena-Hornung. According to Ms. O'Callaghan, Ms. Pena-Hornung told her that some months before that, she told her supervisor, Mr. Torres that she was going to take vacation in February 2008, in order to have breast implant surgery. According to Ms. O'Callaghan, Ms. Pena-Hornung told Ms. O'Callaghan that Mr. Stancill asked Ms. Pena-Hornung "if he could see her breasts after the surgery." Ms. O'Callaghan reported that Ms. Pena-Hornung told Mr. Stancill at the time, "We don't have that kind of relationship, don't talk to me like that."

Lieutenant Lemmon reported that Ms. O'Callaghan told him in late February 2008, that Ms. Pena-Hornung and Ms. Jackson contacted Ms. O'Callaghan and told her that the reason they were leaving was because of how Mr. Stancill treated them. Ms. O'Callaghan told Lieutenant Lemmon that she told Ms. Pena-Hornung and Ms. Jackson that they should tell the Chief.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Estrin interviewed Ms. Pena-Hornung in the Prior Investigation in a telephone interview on February 22, 2008. Ms. Pena-Hornung told Ms. Estrin that Mr. Stancill was not part of the reason she resigned. Ms. Pena-Hornung and Mr. Stancill never worked together except for possibly a few overlap shifts.

Ms. Pena-Hornung also told Ms. Estrin that before Mr. Stancill was promoted to Sergeant he commented about Ms. Pena-Hornung's planned breast augmentation. Ms. Pena-Hornung told Ms. Estrin that Mr. Stancill said, "So you're getting it done to? That will look good. I can't wait to see it." Ms. Pena-Hornung also told Ms. Estrin that she and Mr. Stancill had "an open discussion as to why the department was losing females."

According to Ms. Pena-Hornung's report to Ms. Estrin, Mr. Stancill did not ask Ms. Pena-Hornung if he could see her breasts after her breast augmentation, but rather, said, "That will look good. I can't wait to see it."

The Lieutenant on duty the day Ms. Jackson and Ms. Pena-Hornung resigned was Mr. Dekas. Ms. O'Callaghan decided not to pass the information she received from Ms. Jackson along to Mr. Dekas, "because Mr. Dekas and Mr. Stancill are good friends." A few days later, Ms. O'Callaghan's regular Lieutenant, Mr. Ballew was back on shift and Ms. O'Callaghan passed the information she received from Ms. Jackson and Ms. Pena-Hornung along to Mr. Ballew.

Ms. O'Callaghan asked Mr. Ballew if she should write up a report of her conversations with Ms. Jackson and Ms. Pena-Hornung. Mr. Ballew responded that he thought they "were covered" with Ms. Jackson, because she has "some issues" and that he would speak with the Captain about "the other stuff", apparently referring to the report from Ms. Pena-Hornung.

c. Ms. Tiletile

Mr. Nguyen-Delgado is the Administrative Sergeant. He is responsible for preparing termination paperwork. On February 28, 2008, Ms. Tiletile called him on his cell phone and told him that she was coming in to turn in her equipment. Mr. Nguyen-Delgado asked her if she was resigning and she said, "Yeah, I'm leaving." He told her that he had heard a rumor, but had not received formal notice of her plans.

Mr. Nguyen-Delgado did not feel right being alone with Ms. Tiletile because of the way she was leaving. He wanted another witness present. He asked Sergeant Lemmon to accompany him during the equipment turn in but Sergeant Lemmon was conducting a POA meeting. Mr. Sobek volunteered to sit in with Mr. Nguyen-Delgado.

When Ms. Tiletile came to his office, the exchange was professional and very brief. She turned in her equipment and thanked Mr. Nguyen-Delgado, shaking his hand. According to both Mr. Nguyen-Delgado and Mr. Sobek, nothing much happened in the meeting with Mr. Nguyen-Delgado and Ms. Tiletile.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

As Ms. Tiletile was leaving the office, Mr. Sobek said, "I'll walk her out." This was not typical and Mr. Nguyen-Delgado did not know why Mr. Sobek was doing that, especially since he did not think it was prudent to be alone with someone who was leaving in an unprofessional manner with no notice. Mr. Nguyen-Delgado did not know what Mr. Sobek's intention was. They do not typically conduct exit interviews.

A few minutes later, Mr. Nguyen-Delgado saw Ms. Tiletile standing outside the front door, obviously engaged in conversation with someone, but he could not see who it was. Mr. Nguyen-Delgado assumed that Ms. Tiletile was speaking with Mr. Sobek. At least 20 minutes later, Mr. Nguyen-Delgado saw Mr. Sobek and asked him what Ms. Tiletile was saying? Mr. Sobek smiled and shook his head and said, "This is bad, you don't want to know." Mr. Nguyen-Delgado never heard from Mr. Sobek what Ms. Tiletile told him. Mr. Sobek stated that he does not recall speaking with Mr. Nguyen-Delgado just after he spoke with Ms. Tiletile.

According to Mr. Sobek, after Ms. Tiletile turned in her equipment, Mr. Sobek walked her out of the building. When they got outside, Mr. Sobek reports that he asked Ms. Tiletile "Why are you leaving?" Mr. Sobek states that he asked Ms. Tiletile the questions away from Mr. Nguyen-Delgado because he did not think Ms. Tiletile would tell Mr. Nguyen-Delgado "what had gone on." He felt it was better not to have the conversation in front of Mr. Nguyen-Delgado. Mr. Sobek was Ms. Tiletile's Field Training Officer ("FTO") and he thought she would be comfortable speaking with him.

Mr. Sobek states that because Ms. Tiletile was the third of three female Police Officers who left the Department all within a short period time, he was concerned about why they were leaving. It seemed to Mr. Sobek that "no one in the Department cared why they were leaving." As the POA Vice President, Mr. Sobek believes he has a stake in what is going on in the organization. Mr. Sobek believes that females have a difficult time in the organization. He feels that he is more sensitive to those issues because his wife is a Police Officer.

Mr. Sobek reported that in response to Mr. Sobek's question as to why she was leaving, Ms. Tiletile answered, "Stancill." Mr. Sobek asked "What's up with Stancill?", or words to that effect. According to Mr. Sobek, Ms. Tiletile became withdrawn and indicated that she did not want to talk about it. Mr. Sobek said, "You need to talk about it."

Mr. Sobek knew that Ms. Pena-Hornung reported to Ms. O'Callaghan that Mr. Stancill said some things to her about her planned breast augmentation. According to Mr. Sobek, Ms. Tiletile then told Mr. Sobek that before he became a Sergeant she and Mr. Stancill "flirted a lot" and that he asked her to have sex with him and she declined. Ms. Tiletile did not indicate to Mr. Sobek that Mr. Stancill's request for sex was unwelcome. Ms. Tiletile did not tell Mr. Sobek that she was leaving because of sexual harassment or that she was afraid of Mr. Stancill.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

According to Mr. Sobek, Ms. Tiletile also told him that she had breast augmentation surgery and that afterward, Mr. Stancill asked to see her breasts. Ms. Tiletile did not tell Mr. Sobek that she showed Mr. Stancill pictures of her breasts.

Mr. Sobek stated that he felt that, "What [Mr.] Stancill did to [Ms.] Tiletile was wrong." Mr. Sobek told Ms. Tiletile, "Man this is not good, we need to tell the Lieutenant. I can't let this go unreported."

According to Sergeant Lemmon, Mr. Sobek told Sergeant Lemmon that as he walked Ms. Tiletile out after she returned her property, Mr. Sobek asked Ms. Tiletile, "Hey, what's going on?" Mr. Sobek told Sergeant Lemmon that Ms. Tiletile said, "I'm leaving because of Stancill, because of sexual harassment." Mr. Sobek acknowledges that is what he said to Sergeant Lemmon. Mr. Sobek stated that he was very concerned about what Ms. Tiletile told him, according to Mr. Sobek, "other women were leaving and complaining about Mr. Stancill's conduct" toward them.

Mr. Sobek acknowledges that Ms. Tiletile did not tell Mr. Sobek that she was leaving "because of sexual harassment by Stancill." Mr. Sobek felt it was highly inappropriate that Mr. Stancill flirted and spoke with Ms. Tiletile about having sex and about wanting to see her breasts.

Mr. Sobek states that he asked Ms. Tiletile if she would tell Mr. DeCoulode what she told him outside and she agreed to do so. Mr. Sobek then brought Ms. Tiletile to Mr. DeCoulode and said that Ms. Tiletile told him some things that a command officer should know. Mr. Sobek told Ms. Tiletile to "tell Mr. DeCoulode what you told me."

According to Mr. DeCoulode, when Mr. Sobek brought Ms. Tiletile to see him, she was reluctant to speak. Ms. Tiletile said she "did not want to be involved." She said that she had been in a car accident and that Mr. Stancill was questioning her integrity over her report of the accident. Mr. DeCoulode had heard about the car accident from Mr. Stancill.

According to Mr. DeCoulode, Mr. Sobek then repeated a few times that Ms. Tiletile should tell Mr. DeCoulode "what you told me." Ms. Tiletile seemed upset, but Mr. DeCoulode did not know why.

Mr. DeCoulode prepared a memorandum of the interactions he had with Mr. Sobek and Ms. Tiletile on February 28, 2008. Mr. DeCoulode wrote:

As Sergeant Sobek was walking Officer Tiletile out of the Department she disclosed information to him which he felt a Command Officer should be apprised of.

I then met with Officer Tiletile and Sergeant Sobek. Officer Tiletile seemed reluctant to speak and Sergeant Sobek encouraged her to "tell him what you told me". Officer Tiletile then explained to me that her primary reason for leaving the

Department was due to the treatment she received from Sergeant Stancill who was her current supervisor. Officer Tiletile stated that on multiple occasions Sergeant Stancill spoke to her in a very rude and demeaning manner. Officer Tiletile also felt Sergeant Stancill frequently questioned her integrity for no reason. Officer Tiletile further stated that prior to Sergeant Stancill's promotion to Sergeant she developed a friendship with him as he had conducted her pre-employment background investigation. During the course of this friendship, then Officer Stancill had asked Officer Tiletile for sex and she declined. Officer Tiletile did not elaborate on this and I did not inquire further at this time.

When asked if there was any other information she would like to mention, Officer Tiletile stated that both Officer K. Jackson and T. Pena-Hornung who recently resigned were leaving for similar reasons. Officer Tiletile stated that she was told by Officer Pena-Hornung that Sergeant Stanch believed she was going to have breast augmentation surgery and while looking at her asked "when can I see those" referring to her breasts.

I did not question Officer Tiletile regarding the specific details of the allegations at this time as I am aware Human Resources is conducting an investigation and I am not fully aware of the details of their investigation. I asked Officer Tiletile if she had spoken to the investigator in Human Resources and she stated that someone had provided her the investigators number but she had not called her as yet. I asked Officer Tiletile if she would disclose the information to the investigator and she indicated she would. Officer Tiletile stated she did not report the incident sooner because she was not sure what she wanted to do.

Mr. DeCoulode stated that he did not know why Ms. Tiletile was reporting the information that she did. According to Mr. DeCoulode, when Ms. Tiletile reported the comments about sex, she did not say one way or another whether she was offended.

Mr. Morgan reported that he and Ms. Tiletile worked on the same shift together from January 2008 until Ms. Tiletile left Department. Mr. Morgan and Ms. Tiletile were friends but did not socialize outside of work. Ms. Tiletile did not tell Mr. Morgan why she left.

The day after she resigned, Ms. Tiletile called Mr. Morgan to say hello. Mr. Morgan was taken aback by the call because Ms. Tiletile did not say goodbye when she left. Ms. Tiletile asked how Mr. Morgan was and how were things at work.

Ms. Tiletile went on to describe to Mr. Morgan what happened after she went to Mr. Nguyen-Delgado's office to turn in her equipment. Ms. Tiletile told Mr. Morgan that Mr. Sobek asked her why she was leaving. Ms. Tiletile told Mr. Morgan that Mr. Sobek asked her if Mr. Stancill had ever made any sexual comments to her. It was not an open ended question; it was specific to Mr. Stancill. Ms. Tiletile said that she was surprised by the question. Ms. Tiletile told Mr. Morgan that she felt she could not lie, so she had to say "Yes."

Ms. Tiletile told Mr. Morgan that she did not raise the subject of sexual talk, Mr. Sobek did. Ms. Tiletile did not indicate to Mr. Morgan that anything Mr. Stancill had said was offensive to her.

Ms. Tiletile's tone indicated to Mr. Morgan that she felt bad that she was cornered and questioned about Mr. Stancill. She said that she did not have the heart to tell Mr. Stancill that she admitted to Mr. Sobek and Mr. DeCoulode that she and Mr. Stancill had discussions about sex.

It was clear to Mr. Morgan that Ms. Tiletile was surprised and upset that those questions were asked and that her discussions with Mr. Stancill about sex was not the reason she left the Department.

Mr. Sobek denies that he first asked Ms. Tiletile about anything related to sexual harassment. He states that he "could tell that Ms. Tiletile was afraid" and so he asked her "What's going on". That is when she mentioned the information about sex. According to Mr. Sobek, Ms. Tiletile seemed very withdrawn at that point; like a typical victim of abuse in Mr. Sobek's experience.

Mr. Sobek denies that he encouraged anyone to bring a complaint against Mr. Stancill. Mr. Sobek states that all of the discussions he had with others about issues surrounding Mr. Stancill's conduct were in his role as POA Vice President. Mr. Sobek states that he "has an interest in knowing why female Police Officers are all complaining about the conduct of one Officer."

Mr. Sobek denies that he encouraged Ms. Tiletile to make a complaint against Mr. Stancill. He had heard that Ms. Pena-Hornung and Ms. Jackson said that they left the Department because of conduct by Mr. Stancill and had filed a complaint against him. They did not come to the POA, but Mr. Sobek understood that they related their complaints to the City's Human Resources investigator and they related their complaints about Mr. Stancill to Ms. O'Callaghan.

Mr. Sobek knew when he spoke with Ms. Tiletile that there was an internal investigation going on into allegations by Ms. Kerr and Ms. Trujillo against Mr. Stancill. Mr. Sobek also knew that Ms. O'Callaghan was interviewed and Ms. O'Callaghan had told Mr. Sobek about Ms. Pena-Hornung's and Ms. Jackson's displeasure with Mr. Stancill's conduct.

Mr. Aldred contacted Mr. Sobek looking for a referral to an attorney for Ms. Kerr. Mr. Sobek knew that Mr. Aldred's daughter Ms. Kerr had issues with Mr. Stancill, but he stated that he was not consulted about that.

Police Officers call in sick on Mr. Stancill's shift

According to Mr. Stancill, beginning in October 2007 when he was promoted, Ms. O'Callaghan, Ms. Pickard and Ms. Trujillo began to routinely call in sick whenever they

are assigned to Mr. Stancill's shift. Mr. Stancill believes that these Officers are trying to sabotage him and cause him to fail as a Sergeant. When Officers routinely call in sick to his shift, that makes Mr. Stancill look bad and makes his job and the other Officers on the shift's jobs more difficult.

According to Ms. Kovach, there has been a clear pattern among Ms. O'Callaghan, Ms. Trujillo and Ms. Pickard, that they call in sick whenever they are assigned to Mr. Stancill's shift. It's not fair to co-workers when they call in sick on Mr. Stancill's shift. Ms. Kovach believes that Ms. O'Callaghan, Ms. Pickard and Ms. Trujillo are making a conscious attempt to undermine Mr. Stancill.

Mr. Barr knows that Ms. Pickard and Ms. O'Callaghan have called in sick to Mr. Stancill's shift because they do not want to work for him. Mr. Barr is not that close to Ms. O'Callaghan or Ms. Pickard.

Mr. Ballew heard that Ms. Pickard calls in sick whenever she is assigned to Mr. Stancill's shift. She is an FTO.

Mr. Torres knows that Ms. Pickard has called in sick to Mr. Stancill's shift.

Sergeant Lemmon knows that Ms. O'Callaghan and Ms. Pickard have called in sick to Stancill's shift because they do not want to work with him.

Mr. Stancill reported that in June 2008, Mr. Sobek told Mr. Torres and Mr. Stancill that, "things will get worse before they get better", when they were discussing the problem of Officers calling in sick to Mr. Stancill's shift.

Mr. Sobek acknowledges that he did have this discussion with Mr. Stancill because Mr. Sobek was aware that some of the female Officers who participated in the Prior Investigation were concerned about working with Mr. Stancill. Mr. Sobek knows that Ms. Trujillo, Ms. O'Callaghan and Ms. Pickard have all called in sick to Mr. Stancill's shift because "they are not comfortable working with him." Ms. Trujillo in particular expressed concerns to Mr. Sobek about working for Mr. Stancill while her complaint against Mr. Stancill was being investigated.

Mr. Sobek told Mr. Torres that he was aware that certain females did not want to work on Mr. Stancill's shift. Mr. Torres knows that Ms. Pickard and Ms. Trujillo both called in sick on a day when Mr. Stancill took over for another Sergeant. Mr. Torres was in charge of scheduling.

1. Ms. Pickard

Ms. Pickard denies that she has attempted to sabotage Mr. Stancill or cause him to fail as a Sergeant. Ms. Pickard denies that there is a pattern or any attempt to undermine Mr. Stancill. Ms. Pickard is surprised that she is perceived as undermining Mr. Stancill. She thinks that Mr. Stancill "would be happy" that she was not working for him.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Pickard told Ms. O'Callaghan that she does not want to work for Mr. Stancill because "he makes me nervous." Ms. Pickard was assigned to work on Mr. Stancill's crew four or five times in 2007 and once or twice in 2008.

Ms. Pickard has called in sick to Mr. Stancill's shift six times since he became a Sergeant. She called in sick one day in November 2007, called in sick on three consecutive days in mid May 2008 and again for two days, May 28-29, 2008.

On November 1, 2007, Ms. Pickard called in sick to a shift Mr. Stancill was covering on Overtime.

Ms. Pickard was assigned as the Vacation Relief Officer ("VRO") to cover for a vacationing Officer on Mr. Stancill's shift on May 16, 17 and 18, 2008. She signed up for the vacation relief shift in January 2008. Ms. Pickard called in sick for the entire weekend of May 16, 17 and 18, 2008.

Mr. Fletcher knows that Ms. Pickard took sick leave rather than cover as VRO for him on Mr. Stancill's shift. Ms. Pickard signed up to be the VRO when Mr. Fletcher scheduled his vacation for May 2008. She then called in sick, so the team went out short while he was on vacation. Mr. Fletcher knows that Ms. Pickard does not like Mr. Stancill because of the Sergeant's promotion.

Ms. Pickard reported that when she was first assigned the VRO shift in December 2007 or January 2008, she did not have a problem working with Mr. Stancill. By the time the shift came around in May 2008, she "did not feel safe working with Mr. Stancill."

Although Ms. Pickard was not concerned for her physical safety, she stated that she was concerned that Mr. Stancill would "question her work." According to Ms. Pickard, no one questions her work. Ms. Pickard feared that if she worked for Mr. Stancill, he might "put her into a position to be insubordinate" or accuse her of saying or doing something that she did not do. Ms. Pickard believes that Mr. Stancill reacts like a person who has been injured and she does not trust him.

Ms. Pickard states that she developed her concerns because Mr. Stancill would not look at her or address her. He would say "hello" if she said "hello" first, but that was it. Ms. Pickard states that she developed this concern after she participated in the Prior Investigation in January 2008. According to Ms. Pickard, it was after she participated in the Prior Investigation and Mr. Stancill's reaction to that investigation, that Ms. Pickard developed her fear of working for Mr. Stancill, which causes her to feel ill.

Ms. Pickard felt that if she worked for Mr. Stancill "he would have the perfect opportunity to get back at her." Ms. Pickard also felt sure that Mr. Stancill's crew would not back her up. She knows they would not stand up for her. The more she thought about that, the more nervous she became. She then felt physically ill and could not perform the job. Ms. Pickard called in sick for the vacation relief shift on the evening of May 15,

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

2008. Ms. Pickard did not tell Mr. Stancill or her Lieutenant that she called in sick in May 2008 because she was too nervous about working for Mr. Stancill.

Mr. Stancill worked for Sergeant Calcagno on his shift May 28th and May 29th, 2008. Ms. Pickard was on Mr. Calcagno's crew. Ms. Pickard called in sick for her shift on May 28, 2008 and took compensatory time off for her shift on May 29, 2008.

Ms. Pickard's explanation that she developed "a fear of working for Mr. Stancill" because she feared retaliation based on his reaction to her participation in the Prior Investigation is not credible. On January 22, 2008, during her witness interview in the Prior Investigation, Ms. Pickard told Ms. Estrin that she was working as the VRO then, because she did not know which shift Mr. Stancill was going to work during that Watch and "she will not work for him." Ms. Pickard determined that she "will not work for" Mr. Stancill before she participated in the Prior Investigation.

According to Ms. Wilske, Ms. Pickard goes out of her way to avoid working with Mr. Stancill and makes that clear. Ms. Wilske asked Ms. Pickard recently if she was working Overtime on the weekend. Ms. Pickard stated, "Oh no, I don't do mids on the weekends anymore."

On one holiday when Ms. Pickard was scheduled to work with Mr. Stancill, Mr. Aldred came to dispatch and asked Ms. Wilske to call Ms. Pickard in to the station. Mr. Aldred said, "I'm her relief." Ms. Wilske asked why Ms. Pickard was going home. Mr. Aldred responded, "Oh she signed up for this Overtime shift before she knew HE was working it."

According to Ms. Pickard, she has worked under Mr. Stancill's supervision approximately three times. On those occasions, Ms. Pickard acknowledges that Mr. Stancill did his job and did not doing anything wrong as far as she was concerned.

On the 4th of July 2008, Ms. Pickard worked for Mr. Stancill and she did not have any problems with his supervision of her.

2. Ms. O'Callaghan

Ms. O'Callaghan also called in sick on May 28, 2008, when Mr. Stancill filled in for Sergeant Calcagno on Ms. O'Callaghan's shift. On May 27, 2008 at lineup, Mr. Calcagno notified his crew that he would be taking compensatory time off the next two days and that Mr. Stancill would be filling in for him.

Ms. O'Callaghan states that she started feeling nervous and "a little sick to her stomach" about working for Mr. Stancill because Mr. Stancill "had been ignoring her ever since August 2007". Ms. O'Callaghan stated that she felt Mr. Stancill was ignoring her to retaliate against her for participating in the Prior Investigation in January 2008.

Again, the Ms. O'Callaghan's timing is off. Ms. O'Callaghan was well aware that by August 2007, Mr. Stancill knew that she had been making derogatory comments about his performance on the Sergeant's test and his impending promotion, which explained why he was avoiding her.

The night before the May 28th shift, Ms. O'Callaghan called into the station supervisor and said that she would be out sick the next day. Ms. O'Callaghan was out the following day too, when Mr. Stancill was covering for Mr. Calcagno, but she stated that she had previously scheduled that as a compensatory day off.

Ms. O'Callaghan states that she "felt sick because she did not think Mr. Stancill would treat her fairly" because he had been ignoring her for several months.

Also, by May 2008, according to Ms. O'Callaghan, "several people" told her that Mr. Stancill told them that Ms. O'Callaghan had filed a complaint against him for harassment. Ms. O'Callaghan felt that if Mr. Stancill is "not smart enough to find out who filed a complaint" against him, she did not feel comfortable working for him.

On March 1, 2008, Ms. Estrin notified Mr. Stancill's attorney by email that new allegations had been raised against Mr. Stancill in addition to those that he been lodged by Ms. Kerr initially. Ms. Estrin wrote, "the allegations against your client involve inappropriate comments of a sexual nature made to the following people: Amanda Kerr, Deborah Trujillo, Kerri Platt, Ann O'Callaghan, Christi Colon, Tai Pena, and Christina Tiletile."

Ms. O'Callaghan acknowledges that she reported to both Mr. Pricco and Lieutenant Lemmon that she felt that "Mr. Stancill was a liability as a supervisor" because of comments she said he made to her that she felt were inappropriate. Ms. O'Callaghan reported at least two incidents to Ms. Estrin that she believed were inappropriate. Ms. O'Callaghan also reported that she thought Mr. Stancill "was being stupid" during these incidents. She remarked that she "does not joke and socialize with Sergeant Stancill."

Ms. O'Callaghan did lodge harassment allegations against Mr. Stancill, but apparently she did not view those as a "complaint". In Ms. O'Callaghan's view, the fact that Mr. Stancill believed Ms. O'Callaghan made a complaint against him made Mr. Stancill so ignorant that she was not comfortable working for him.

However, Ms. O'Callaghan acknowledges that when she was Acting Sergeant from November 2007 to March 2008, her direct interactions with Mr. Stancill during their shift reliefs were professional. Mr. Stancill did not do anything that Ms. O'Callaghan felt was unfair to her during those months.

Ms. O'Callaghan did not tell Mr. Calcagno or anyone in the Human Resources Department about her concerns about working for Mr. Stancill in May 2008. By that time, Ms. O'Callaghan said she noticed that all of the Police Officers on Mr. Stancill's crew and police administrators were also ignoring her, so she was even more

uncomfortable. Yet, Ms. O'Callaghan would not be working with Mr. Stancill's crew on May 28th. It was Ms. O'Callaghan's regular crew that Mr. Stancill was supervising. The only time that Ms. O'Callaghan has worked directly under Mr. Stancill was on the 4th of July. All of Patrol was ordered to work Overtime on July 4th. Mr. DeCoulode assigned Ms. O'Callaghan to work in Mr. Stancill's Patrol Sector Unit. They directly interacted one time during her 6:45 p.m. to 2 a.m. shift when Mr. Stancill called Ms. O'Callaghan to cover him on a traffic stop. He did not have a citation book with him and Ms. O'Callaghan wrote the citation for him. According to Ms. O'Callaghan, nothing awkward or uncomfortable happened during their interactions on July 4th.

Ms. O'Callaghan is aware that other female officers have called in sick to Mr. Stancill's shift, including Ms. Pickard and Ms. Trujillo. "It is possible" that they told her that they were not going to work for Mr. Stancill. Ms. Pickard was also scheduled to work for Mr. Stancill on May 28, 2008 and Ms. O'Callaghan knows that Ms. Pickard called in sick too. Ms. O'Callaghan does not view calling in sick as an attempt to undermine Mr. Stancill.

- a. Ms. O'Callaghan has called in sick to express her displeasure at other circumstances.

According to Chief Attarian, Ms. O'Callaghan's Acting Sergeant position became available because Sergeant Ron Clark ("Mr. Clark") was transferred from Patrol to a special project implementing a new CAD system with the IT department. Chief Attarian needed another Patrol Sergeant to fill Mr. Clark's slot. It was understood from the beginning that the Acting Sergeant assignment would be a temporary assignment, only while Mr. Clark was working on the IT Project. The Acting position was to last from November 2007 until March 2008.

Chief Attarian states that he appointed Ms. O'Callaghan to the Acting Sergeant assignment in part to help bolster her confidence that she could perform as a Sergeant. Ms. O'Callaghan was tied with Mr. Henderson on the promotional list. Chief Attarian decided to give Ms. O'Callaghan the assignment for two reasons. First, Ms. O'Callaghan had more experience than did Mr. Henderson. Second, there were no female Sergeants. Chief Attarian wanted to give Ms. O'Callaghan the Acting Sergeant assignment to add a female Sergeant to the Department.

When he appointed Ms. O'Callaghan to the Acting Sergeant position, Chief Attarian told Ms. O'Callaghan that if there was a permanent opening for a new Sergeant during the period of her Acting assignment, he intended to appoint Ms. O'Callaghan to the position.

Chief Attarian did not know if there would be an opening within that timeframe. If there was no opening before the Acting Sergeant position ended, Chief Attarian told Ms. O'Callaghan she would revert back to her Officer rank in March 2008.

The IT Project was delayed and the contractor asked Chief Attarian to extend Mr. Clark's special assignment for two to three months. The Chief said no; he wanted Mr. Clark back on Patrol.

The contractor later offered to pay Mr. Clark's salary during an extension and the Chief reconsidered. At the same time, the Department was short staffed and had implemented a mandatory Overtime schedule to fill the gaps.

The POA proposed that rather than require mandatory Overtime, the Chief disband the auxiliary Tactical Unit. By doing so, those Officers and the Sergeant in the Tactical Unit could be returned to Patrol, thereby reducing the need for mandatory Overtime.

The decisions to both extend Mr. Clark's special assignment and to disband the Tactical Unit were both made within the same 24 hour period. The result was that although Mr. Clark's special assignment was extended, Ms. O'Callaghan's Acting Sergeant assignment was not extended. Mr. Calcagno, the Tactical Unit Sergeant, was moved into the Patrol slot that Ms. O'Callaghan was overseeing. Ms. O'Callaghan's Acting Sergeant assignment expired as planned.

Chief Attarian had an appointment to meet with Ms. O'Callaghan in the afternoon on the day the decisions were made to explain the situation. Before that meeting took place, Ms. O'Callaghan heard from Sergeant Hudson in line up that Mr. Clark's assignment was to be extended, but that she was being returned to Patrol and her Acting Sergeant position was to expire.

Ms. O'Callaghan stated that she left the line up and felt physically sick as well as embarrassed by the fact that no one in her chain of command had advised her that Mr. Clark would not be returning to Patrol. She felt that everyone in the room had the impression that another Sergeant or someone else would be in an Acting Sergeant assignment in her place. Ms. O'Callaghan states that she felt humiliated and embarrassed which caused her to feel physically ill. Ms. O'Callaghan was very upset and went home sick before Chief Attarian could speak with her.

Ms. O'Callaghan states that she suffered physical symptoms associated with the "embarrassment and humiliation that I suffered as a result of the department's unwillingness to allow me to continue my acting assignment, I took the following week off sick." Ms. O'Callaghan stated that, "there is absolutely no justification for the department failing to notify me prior to my receiving notice in front of my peers that my acting assignment was going to be ended." Ms. O'Callaghan stayed out sick for an entire week.

When she returned to work, Chief Attarian spoke with Ms. O'Callaghan and explained how the situation evolved and why he made the decisions he made. According to Chief Attarian, Ms. O'Callaghan was very cold and very quiet in their meeting. Ms. O'Callaghan refused to acknowledge the Chief's explanation. He asked why she was out and all she would say was, "Well, I was sick." Chief Attarian was disappointed that Ms. O'Callaghan took the situation so personally and could not accept that it was nothing personal to her that her Acting Sergeant assignment expired.

3. Ms. Trujillo

According to Mr. Stancill, beginning in mid December 2007, whenever Ms. Trujillo is assigned to Mr. Stancill's shift, she calls in sick to avoid having to work with him. Ms. Trujillo states that she "is afraid to work with Mr. Stancill now", because she does not trust him not to try to retaliate against her for complaining about his conduct. Ms. Trujillo is also afraid that if she works with Mr. Stancill and she needs back up, he may not come to her aid or will be intentionally slow to respond.

According to Mr. Barr, Ms. Trujillo took off the last two weekends of the Watch in December 2007-January 2008 so as not to work with Mr. Stancill anymore. She called in sick.

Before Mr. Stancill was promoted to Sergeant, but after the results of the February 2007 Sergeant's test were known, Ms. Trujillo had a discussion with Mr. Stancill about how people reacted to his ranking on the Sergeants promotion list. Mr. Stancill complained to Ms. Trujillo that "everyone is down on me and talking crap behind my back", or words to that effect. Mr. Stancill specifically mentioned that he knew Ms. O'Callaghan and Ms. Pickard had said derogatory things about him.

Ms. Trujillo did not think the criticisms were personal against Mr. Stancill, but "most people were upset because they did not think he was as qualified." Ms. Trujillo became concerned about Mr. Stancill during this discussion because he said, "I don't forgive, I hold a grudge", or words to that effect. Ms. Trujillo has since heard from others in the department that Mr. Stancill has said similar things to them. Ms. Trujillo was mainly concerned for Ms. O'Callaghan after that.

On December 30, 2007, Ms. Trujillo called in sick for three days to Mr. Stancill's shift. Ms. Trujillo stated that she had not slept at all and she was nervous. After Ms. Trujillo reported her complaints about Mr. Stancill to Chief Attarian, she did not return to Mr. Stancill's shift. Ms. Trujillo had Ms. O'Callaghan post her days off for the coming weekend shift. She used 36 hours of compensatory time and 12 hours of sick time to avoid working for Mr. Stancill.

Ms. Trujillo also contacted Mr. Sobek and advised him of her decision. Mr. Young told Mr. Sobek that Ms. Trujillo said she was "afraid of [Mr.] Stancill." Mr. Sobek stated that he did not understand why the administration was "trying to force Ms. Trujillo to work with Mr. Stancill" after she had brought a complaint against him. Mr. Fletcher is aware that Ms. Trujillo called in sick eight or nine days when she worked for Mr. Stancill. Mr. Fletcher believes that Ms. Trujillo called in sick to Mr. Stancill's shift to try to undermine him.

Ms. Trujillo "comped off" her shift working for Mr. Stancill on January 4, 5, and 6, 2008. Those were the last three days of the Watch.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

While her earlier complaint against Mr. Stancill was being investigated, Ms. Trujillo was ordered to work a mandatory Overtime shift with Mr. Stancill. Mr. Torres called Ms. Trujillo in one day to work Overtime on Mr. Stancill's shift and "she was not comfortable with that." Mr. Torres and Mr. Stancill are good friends and Mr. Sobek felt that Mr. Torres was not being sensitive to the situation Ms. Trujillo was in at the time when he called her to work for Mr. Stancill.

According to Ms. O'Callaghan, in January 2008, Ms. Trujillo called Ms. O'Callaghan on the phone and cried, saying she was "afraid to work with [Mr. Stancill]". Ms. O'Callaghan reported that Ms. Trujillo was sobbing she was so upset about the prospect of working with Mr. Stancill. Ms. Trujillo told Ms. O'Callaghan that, "If they force me to work with him, I will quit."

The POA intervened on Mr. Trujillo's behalf and eventually the mandatory Overtime order was rescinded. Mr. Sobek did not think the administration handled that issue appropriately. He believes that the administration downplayed Ms. Trujillo's concerns in an effort to protect Mr. Stancill.

On June 5, 2008, Ms. Trujillo called in sick to Mr. Stancill's shift.

Mr. Nguyen-Delgado feels that Ms. Trujillo's contention that she is afraid to work with Mr. Stancill and that he might not back her up if she were in trouble on her beat is preposterous.

Ms. Trujillo told Mr. Rosenlind that if she was ordered to work on Mr. Stancill's shift she would refuse because she doesn't trust them, meaning his entire new shift, including Ryan Gill, Nick Corde, Mr. Morgan and Mr. Fletcher.

- a. Ms. Trujillo has called in sick to express her displeasure at other circumstances.

After Mr. Nguyen-Delgado told Ms. Trujillo on or about May 19, 2008 that she did not get the Training/Crime Prevention position she applied for, she called in sick the rest of the week. Mr. Nguyen-Delgado felt that was unprofessional if it was not a legitimate illness.

Ms. Trujillo was on Mr. Torres' shift at the time. The morning after the assignments had been announced, Mr. Torres saw Mr. Nguyen-Delgado and Mr. Nguyen-Delgado asked Mr. Torres if Ms. Trujillo called in sick the previous night. She had.

Mr. Nguyen-Delgado told Mr. Torres that the previous day when he called to tell Ms. Trujillo that she did not get the Training/Crime Prevention assignment, when she first answered the phone, he asked if this was a good time to talk and she said she was just getting ready to come to work and sounded fine. Toward the end of their conversation, Ms. Trujillo told Mr. Nguyen-Delgado that she was not feeling well.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Trujillo apparently called in sick to Mr. Torres' shift because she was upset that she did not get selected for the Training/Crime Prevention assignment. Mr. Torres believes that Ms. Trujillo was out sick for more than one day.

Conclusions Regarding Issue I

Mr. Stancill's contention that Ms. O'Callaghan and Ms. Pickard, as well as other Officers, made derogatory statements about him and shunned him after he scored well on the Sergeant's test is substantiated. Ms. O'Callaghan's and Ms. Pickard's treatment of Mr. Stancill was petty, immature and unprofessional.

Although they did not know Mr. Stancill well, both Ms. O'Callaghan and Ms. Pickard stated on several occasions in the presence of other Officers, that they thought Mr. Stancill was "stupid", "an idiot" and the like. Ms. Pickard and Ms. O'Callaghan engaged in this conduct because they were upset that Mr. Stancill received a higher score and ranking on the Sergeant's test than did Ms. O'Callaghan.

Although several witnesses including Ms. O'Callaghan and Ms. Pickard stated that they were not upset with Mr. Stancill per se, they in fact directed their personal attacks against Mr. Stancill specifically. Mr. Sobek, although more subtle, was likewise publically critical of Mr. Stancill's ranking.

In addition to bad mouthing and shunning Mr. Stancill, Ms. Pickard, Mr. Sobek and Ms. O'Callaghan worked with others to lodge sexual harassment complaints against Mr. Stancill. Before doing so, they made no effort to notify Mr. Stancill of the perceived offending conduct. When Ms. Trujillo brought to Mr. Stancill's attention that she did not like the way he referred to her, he immediately changed his behavior as she requested.

There is evidence that Mr. Stancill has not been the most polished and professional in all of his comments and behavior. Over the years, he made some racy comments and was rumored to have had an extramarital affair. Mr. Stancill is not the first or the only Officer to have engaged in such conduct.

Those who complained against him tolerated Mr. Stancill's rough edges and made no complaints about his conduct until after he was in line for promotion. Ms. O'Callaghan admits that she understood that Mr. Stancill was joking when he made racy comments to her and others, and that she was not really offended by his conduct, but she commented that Mr. Stancill "is not smart enough to know not to joke with people he is not friends with." Once he outscored her on the Sergeant's test, Ms. O'Callaghan made it clear that she was not, and had no desire to be, Mr. Stancill's friend.

When he felt shunned and degraded, Mr. Stancill did not take it well. He let it be known that he would not forgive Ms. O'Callaghan and others who demeaned and mistreated him. This was not the most mature or professional response, but one that fits the circumstances and his personality. That response further fueled the desire of the

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

detractors to attack him and they went on the offensive at every opportunity to try to prove that the Chief made a mistake in promoting Mr. Stancill.

Ms. O'Callaghan, Ms. Pickard and/or Mr. Sobek had some involvement in all of the complaints raised against Mr. Stancill. They kept each other informed of their efforts and reached out to others to try to generate more complaints. In each situation, Ms. O'Callaghan, Ms. Pickard and Mr. Sobek sought out and then exaggerated the facts they reported regarding Mr. Stancill's conduct.

The open hostility that Ms. O'Callaghan and Ms. Pickard expressed toward Mr. Stancill because of his high ranking on the Sergeant's test and his subsequent promotion, call into question their motives and actions in pursuit of harassment claims against Mr. Stancill.

There is evidence that Ms. Pickard helped Ms. Kerr fashion a harassment complaint against Mr. Stancill when Ms. Kerr was, "stumbling over" making a complaint against Mr. Stancill. Ms. Pickard suggested that Ms. Kerr make a complaint while defending Ms. Kerr against disciplinary action resulting from Ms. Kerr's insubordinate statement to Mr. Stancill.

The significant gap in time between Mr. Stancill's alleged inappropriate statements to Ms. Kerr and Ms. Kerr's insubordinate statement to Mr. Stancill, shows the extent to which Ms. Pickard was willing to go to try to fashion a connection between the two situations. As a highly trained Police Officer, Ms. Pickard could not have honestly believed that Mr. Stancill's complements to Ms. Kerr in the summer of 2006, actually caused Ms. Kerr to be insubordinate to Mr. Stancill in December 2007.

Ms. Pickard's significantly exaggerated description of the allegations that Ms. Kerr made in the Prior Investigation belie her awareness of the strength of those allegations and demonstrates her willingness to stretch the truth in order to make Mr. Stancill look bad.

As soon as Ms. Pickard devised the strategy that Ms. Kerr would lodge a complaint against Mr. Stancill, she immediately told her good friend and fellow Stancill basher, Ms. O'Callaghan, about the allegations Ms. Kerr was to make against Mr. Stancill.

Ms. O'Callaghan then told Mr. Pricco that Mr. Stancill had made "sexual references" to Ms. Kerr and that she too had "similar problems" with Mr. Stancill. Yet, Ms. O'Callaghan insists that she never brought "a complaint" against Mr. Stancill and that he is "stupid" to think that she did.

All of the conduct about which Ms. Kerr and Ms. O'Callaghan complained occurred prior to the Sergeant's test in February 2007, but neither raised any concern about Mr. Stancill until after Mr. Stancill did very well on the Sergeants test and Ms. Kerr was facing disciplinary action for being insubordinate to Mr. Stancill.

Ms. Pickard and Ms. O'Callaghan assisted Ms. Kerr with her complaint and then connected with Ms. Trujillo to see if she had any complaints about Mr. Stancill's

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

conduct. Before then, witnesses reported, Ms. O'Callaghan and Ms. Pickard were not friendly with Ms. Trujillo.

Although Ms. O'Callaghan and Ms. Pickard were not close to Ms. Trujillo, Ms. Trujillo and Ms. Kerr were good friends. It is more likely than not that Ms. Trujillo knew either from Ms. Kerr or from Ms. O'Callaghan that Ms. Kerr was planning to raise allegations of sexual harassment against Mr. Stancill.

When Ms. Trujillo told Ms. O'Callaghan about the nickname Mr. Stancill had for her, Ms. O'Callaghan told Ms. Trujillo that if she did not take action and complain, Ms. O'Callaghan would bring a complaint herself.

Ms. Trujillo stated that she told Ms. O'Callaghan that she was going to tell Mr. Stancill to stop using the nickname before she spoke with Mr. Stancill, "So she could say she told [Ms. O'Callaghan] first." See Trujillo Investigation.

Ms. Trujillo raised her concern with Mr. Stancill and Mr. Stancill immediately stopped saying "Baby" or "Bebe." That did not satisfy Ms. Trujillo, who made additional claims against Mr. Stancill alleging retaliation. Those allegations were investigated both in the Prior Investigation and by this investigator in a separate investigation and none of Ms. Trujillo's retaliation allegations were substantiated. See Trujillo Investigation Report.

After Ms. O'Callaghan was interviewed in the Prior Investigation, she spoke with Ms. Jackson and Ms. Pena-Hornung in the locker room about Mr. Stancill. Ms. O'Callaghan told Ms. Jackson and Ms. Pena-Hornung that they should make a complaint to the Chief about Mr. Stancill.

When they did not complain to Chief Attarian, Ms. O'Callaghan reported to Mr. Ballew and Mr. Pricco that Ms. Jackson and Ms. Pena-Hornung had complaints about Mr. Stancill. Ms. O'Callaghan decided that she would not make the report to her on duty Lieutenant Mr. Dekas, "because Mr. Dekas and Mr. Stancill were friends."

Ms. O'Callaghan told Lieutenant Lemmon that Ms. Pena-Hornung and Ms. Jackson left, "because of how Mr. Stancill treated them." Yet, Ms. Pena-Hornung told Ms. Estrin in the Prior Investigation that Mr. Stancill was not part of the reason she resigned.

Ms. Jackson also made no complaint of sexual harassment by Mr. Stancill to Ms. O'Callaghan, yet Mr. Sobek reported that he knew from Ms. O'Callaghan that Ms. Pena-Hornung and Ms. Jackson left the department because of Mr. Stancill's conduct and that they had "filed complaints against him."

Ms. Jackson told Ms. O'Callaghan that Mr. Stancill was tough on her for her report writing. Ms. O'Callaghan knew that Ms. Jackson had performance issues, and had been criticized for her report writing by other Sergeants. Yet, somehow Ms. O'Callaghan translated the report into a sexual harassment allegation.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Both Ms. O'Callaghan and Mr. Sobek pressured Ms. Kovach to lodge a complaint against Mr. Stancill even though Ms. Kovach told them that she did not have a complaint with Mr. Stancill. Mr. Sobek also opposed Mr. Stancill's promotion and was focused on supporting his wife's position in the matter to the point that he implored Ms. Kovach to join the lawsuit and assert allegations against Mr. Stancill for his wife's sake.

Mr. Sobek pointedly told Mr. Stancill that "they wanted to see him fail" as a Sergeant. Mr. Sobek then assisted in that effort. Mr. Sobek took it upon himself interview Ms. Tiletile about her interactions with Mr. Stancill even though he was aware that there was an ongoing Human Resources investigation into those very issues.

Mr. Sobek's interview with Ms. Tiletile was designed to elicit damaging information about Mr. Stancill's interactions with Ms. Tiletile. He purposefully interviewed Ms. Tiletile away from Mr. Nguyen-Delgado's office and then asked her pointed questions about whether she and Mr. Stancill ever discussed sexual topics.

After Mr. Sobek interviewed Ms. Tiletile, she declined to attend a prior scheduled interview with the City's investigator. Ms. Tiletile reported to Mr. Morgan that she felt bad that she was required to report her private personal conversations with Mr. Stancill. According to both Ms. Wilske and Mr. Morgan, Ms. Tiletile and Mr. Stancill were good friends. When Ms. Wilske had lunch with Ms. Tiletile and Ms. Jackson in late 2007, Ms. Tiletile and Ms. Jackson had complaints about other Sergeants and how they were treated, but they had no complaints about Mr. Stancill.

Ms. Pickard, Ms. O'Callaghan and Ms. Trujillo also took action to undermine Mr. Stancill when they called in sick to his shifts and made it known that they refused to work with him. Their explanation that they were "afraid" to work with Mr. Stancill because he could criticize them lacks credibility, is immature and unprofessional.

Although some of Mr. Stancill's comments and conduct in years past were not in the best taste or judgment, the attacks that Ms. O'Callaghan, Ms. Pickard and Mr. Sobek launched against him were unwarranted, unfair and unprofessional.

II. If the alleged conduct did occur, was the conduct undertaken because of Mr. Stancill's race?

Mr. Stancill believes that he was being denigrated, shunned and undermined by his fellow Officers, including Ms. O'Callaghan and Ms. Pickard because they were jealous and because he is Black.

Ms. Pickard and Ms. O'Callaghan adamantly deny that they harassed Mr. Stancill in any way. They deny that Mr. Stancill's race was a factor in their feelings about him. They also deny that they made any attempt to undermine Mr. Stancill.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Chief Attarian was aware after the February 2007 test that there was some grumbling about where Mr. Stancill finished in the test. That is typical, it happens most times that people are surprised that some officers tested better and some tested not as well as the others expected.

The comments Chief Attarian heard were that they felt Mr. Stancill was not qualified. No Officers came to the Chief with any specific complaint about Mr. Stancill before the promotion took effect.

In September 2007, Chief Attarian met with his command staff and asked them if they were aware of any reason that Mr. Stancill should not be promoted. He also asked the command staff what they thought the opposition to Mr. Stancill's ranking was based on. No one came forward with any specifics.

Chief Attarian also met one on one with Mr. Dekas and Mr. Costa, both of whom had supervised Mr. Stancill. Neither of them had any information about Mr. Stancill that would prevent or delay a promotion.

In February 2007, Mr. Pricco heard scuttlebutt about people being upset with the way the Sergeants test came out. It is typical that there are complaints after a test, but this time it was much more substantial and specifically focused on Mr. Stancill.

Ms. Pickard states that she did not notice any difference in the reactions to Mr. Stancill's promotion verses the other two Officers who were promoted before him. She says it was not personal to those Officers. The dissent was about the fact that those who were promoted were younger and less experienced than some veteran Officers who were perceived as more qualified but were not promoted.

Mr. Torres was not aware of any dissension over Mr. Young's promotion. Mr. Young has two to three years more experience than did Mr. Torres and Mr. Stancill, and he was well-liked.

Mr. Torres reported that Ms. O'Callaghan stopped speaking with him after he was ranked first on the Sergeants test. Ms. O'Callaghan seemed to get over her anger toward Mr. Torres after a few months and started being cordial to him again. According to Mr. Torres, that did not happen for Mr. Stancill.

Racial make up of the Police Department

Chief Attarian is Caucasian. Ian Willis, the Department's only Captain, is Caucasian. There are currently seven Lieutenants, one of whom, Mr. Tankson, is Black. Currently, Mr. Stancill is the only Black Sergeant and is the third Black Officer in the department to reach the rank of Sergeant.

Mr. Stancill has high regard for the command staff in the Police Department. He does not feel that any of the command staff has discriminated against or harassed him.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Comments about Mr. Stancill's race

According to Mr. Stancill, in January of 2005, when Mr. Stancill was a SRO, Ms. Pickard told Mr. Stancill, "We have black officers here — Tankson, Moore, Henderson and Collier, but they're like us. You carry yourself black."

Ms. Pickard denies that she ever made a comment about Mr. Stancill's race or how he carries himself.

According to Mr. Stancill, when Ms. Pickard first made the comment, he took it as a complement. In retrospect, after Mr. Stancill heard that Ms. Pickard was telling people she thought he was unqualified for promotion, Mr. Stancill understood the comment as a criticism of him and his race.

By November 2007, the top three ranked candidates had already been promoted to Sergeant's positions. A Sergeant's position became temporarily available due to the reassignment of a Patrol Sergeant to other duties. Mr. Aldred was ranked fourth, and was next in line for a Sergeant's position. However, Chief Attarian determined that Mr. Aldred was not eligible for promotion due to disciplinary action Chief Attarian had to take regarding Mr. Aldred's conduct.

Next in line for the temporary promotion were Mr. Henderson, a Black Officer, and Ms. O'Callaghan who were tied for fifth position in the February 2007 Sergeant's exam ranking. Chief Attarian selected Ms. O'Callaghan for the acting assignment. See Investigation Report, pp. 46-48.

Just before Ms. O'Callaghan was appointed to an Acting Sergeant position, Ms. Pickard said to Mr. Henderson, "Are they going to select the white woman or the black man?"

Ms. Pickard denies that she said anything like that to anyone. She states that she probably said they are going to pick whoever they want for the position. Ms. Pickard states that she felt it has "nothing to do with race or sex or whatever."

During her witness interview in the Prior Investigation in January 2008, Ms. O'Callaghan stated that, in her opinion, experienced people were passed over for the Sergeant's position that Mr. Stancill was given. "The City would rather have an angry woman than one black person crying discrimination."

Other Officers' perceptions of whether race was a factor in the way Mr. Stancill has been treated.

Mr. Henderson believes that race is a factor in the way Mr. Stancill has been treated. Mr. Henderson used to be close to Ms. Pickard until five or six years ago. They used to hang out together. Ms. Pickard never made any comments to him about how Mr. Stancill spoke to or treated female Officers. Mr. Henderson did not know there was any issue

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

regarding Mr. Stancill's conduct. Nor did he have the sense that Ms. Pickard was biased racially.

According to Mr. Henderson, as long as Ms. Pickard and Ms. O'Callaghan were on the same level as Mr. Stancill, everything seemed fine. When Mr. Stancill was poised for promotion, everything changed.

Mr. Sellers never heard any racially derogatory statements about Mr. Stancill, but he does sense "an irrational vibe" that he feels may indicate racism. The fact that they are so vehemently negative about Mr. Stancill leads Mr. Sellers to question whether racism is at play.

According to Mr. Shedd, Mr. Stancill and Torres have the exact same qualifications. Mr. Shedd "could easily say it is because Mr. Stancill is Black. There does not seem to be any other logical explanation. It was an unfair witch hunt against Stancill." Mr. Shedd stated that there is a group of Officers that is "adamant about getting Stancill fired or demoted." Mr. Shedd does not know what Stancill did to deserve that.

Mr. Shedd asked the people leading the charge against Mr. Stancill, what did he do to deserve this? The answer was that, "We look at Torres as someone who's going to do well. With Stancill, he's just not qualified." They don't say what makes Mr. Stancill unqualified.

Mr. Ballew knows that Mr. Stancill has been targeted. Mr. Ballew does not have a reason to think that Mr. Stancill is being targeted because of his race. Mr. Ballew believes that the reason Mr. Stancill is being targeted has more to do with his personality.

According to Mr. Morgan, there definitely was more dissention over Mr. Stancill's promotion than there was over the two prior Sergeants' promotions. Mr. Morgan does not know why.

Mr. Morgan has not heard any racially derogatory remarks, but suspects that Mr. Stancill's cultural background might be a factor. Mr. Morgan suspects that some people have stereotypical views based on cultural differences.

Mr. Dekas reported that Mr. Stancill talks "street talk", and for that reason he may come across as sounding "stupid." However, Mr. Dekas has seen Mr. Stancill perform very effectively. Mr. Dekas thinks that the main problem is that the disgruntled Officers don't know Mr. Stancill well enough because he was an SRO for at least three years. Yet, Mr. Torres was in the same position as Mr. Stancill and has not been subjected to such harsh treatment.

Mr. Pricco does not think the criticism of Mr. Stancill was because of his race. Mr. Pricco understands that Mr. Torres had more education and was "more polished" in his work. According to Mr. Pricco, Mr. Torres is a sharp guy and is bilingual. By

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

contrast, Mr. Stancill grew up in the streets and is thought of as "ghetto." There was also criticism of Mr. Stancill because he quit the SWAT team.

Mr. Molettieri does not know why people have not moved on after Mr. Stancill's promotion, but he "knows it is not [Mr.] Stancill's race." Mr. Molettieri cannot explain why this has not blown over.

Mr. DeCoulode did not personally witness any openly derogatory comments about Mr. Stancill. Mr. DeCoulode noted that Mr. Stancill has a very different background than anyone else in the department, in that he grew up homeless and in the streets. Mr. DeCoulode does not believe that race was a factor.

Mr. Degrano stated that he never heard any derogatory comments about Mr. Stancill. Mr. Degrano does not think that Mr. Stancill stands out as being a target of criticism any more than the others who promoted. Mr. Degrano does not think that Mr. Stancill's race has anything to do with the situation.

Ms. Pickard and Mr. Degrano were the only witnesses who reported that Mr. Stancill did not stand out as being targeted for more criticism than were the other highly ranked candidates. There is significant evidence that the fallout over the list and promotions was far greater for Mr. Stancill than it was for Mr. Torres or Mr. Young.

Other factors on which some believe the poor treatment of Mr. Stancill was based.

Ms. O'Callaghan, Mr. Sobek and Ms. Pickard all adamantly deny that they treated Mr. Stancill in any particular way because of his race.

Ms. O'Callaghan acknowledges that she was and is disappointed that she was not promoted to Sergeant. Ms. O'Callaghan feels she is much more qualified and experienced than Mr. Stancill, and was more deserving of the promotion than he was. Ms. O'Callaghan believes that Mr. Stancill's limited work experience made him unqualified for promotion to Sergeant. Ms. O'Callaghan states that her feelings about Mr. Stancill have nothing to do with his race.

a. Mr. Stancill's demeanor

Ms. Kovach does not believe that Mr. Stancill's race is a factor in how he has been treated since the Sergeant's test. She believes that his personality and demeanor turn people off and make people think he was "not Sergeant material." He has had affairs and uses unprofessional language. Others further down the list, including Mr. Degrano and Ms. O'Callaghan were viewed as far more qualified than Mr. Stancill.

According to Mr. Ballew, Mr. Stancill is charismatic and outgoing. He sometimes gets too familiar with people and steps over the line of professional conduct. According to Mr. Ballew, many of the Officers who are complaining do not really know Mr. Stancill very well. Mr. Ballew believes that there are a group of Officers who are trying to

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

undermine Mr. Stancill. The group includes, Mr. Aldred, Mr. Fisher, Ms. O'Callaghan, Ms. Pickard and Ms. Trujillo.

After the test results, Mr. Degrano had a conversation with Mr. Stancill. Mr. Stancill said, "I hope you are not angry with me for how the test came out." Mr. Degrano said, "It's not you, it's the system. You can't be bothered if people are angry, you just have to prove yourself."

Mr. Degrano thinks that Mr. Stancill is insecure and that he should not have apologized to him. Mr. Stancill wanted an assurance that there was no bad blood between them. Mr. Degrano told him no, that it "was the system" he was not happy with.

Mr. Degrano thinks that Mr. Stancill brought the criticism on himself because he went around seeking approval. Mr. Torres did not do that. Mr. Degrano worked on Mr. Stancill's shift shortly after he was promoted and Mr. Stancill said, "I'm here to do a job." Mr. Degrano thinks Mr. Stancill should not say things like that, it just highlights the issue.

Mr. Torres does not think there is a basis for any issue around Mr. Stancill's promotion, except that some people have had their own experiences with Mr. Stancill giving them a negative view of Mr. Stancill.

Mr. Torres feels that he is more "likable" than Mr. Stancill because he gets along with everyone. Mr. Torres doesn't make waves. Mr. Torres reported that Mr. Stancill keeps to himself and he does not come across as approachable. Mr. Torres feels that people may take that the wrong way.

Mr. Shedd reported that Mr. Stancill has a "street attitude" about him. According to Mr. Shedd, Mr. Stancill has his own unique style. Mr. Stancill always goes out of his way to help Officers and give advice, he also talks "ghetto" or "gangster talk" sometimes. He doesn't fit their ideal of a polished Sergeant.

Mr. Rosenlind stated that Mr. Stancill carries himself with a "street" swagger, which in Mr. Rosenlind's view, does not come off as very professional. His personality can be gruff. Mr. Rosenlind describes Mr. Stancill as his own worst enemy.

b. Work experience

It was widely reported that many people were upset when Mr. Stancill was ranked so high on the Sergeant's test. They all expected Mr. Degrano and Ms. O'Callaghan to come out on top. Many Officers felt that work experience should count more than education. According to many witnesses, Mr. Torres' ranking was a surprise too, but it was not so unexpected.

According to several witnesses, it used to be that you had to be an FTO in order to promote to Sergeant. Neither Mr. Torres nor Mr. Stancill were FTO's. Mr. Stancill was

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

only in CID for a brief time before the test. Many Officers felt that Mr. Stancill did not do anything to prove he was qualified.

The general consensus was that people were "shocked" that Mr. Stancill was ranked so high. Many witnesses felt that Mr. Stancill did not have the same skills and experience as others who were not highly ranked.

Mr. Torres heard that people were upset that Mr. Stancill finished so high in the rankings on the test because they felt that Mr. Stancill "wasn't ready" to become a Sergeant. Mr. Torres believes that he and Mr. Stancill were equally qualified for the promotion to Sergeant.

Mr. Sobek commented to Mr. DeCoulode that he thought the more senior candidates for Sergeant were better and that he was not sure that Mr. Stancill was ready to be a Sergeant.

Mr. Pricco reported that people were very upset. They didn't think Mr. Stancill was qualified. They were upset that Mr. Stancill was rated so highly in the Sergeant's test. They felt that Mr. Stancill had not been there that long and he had not been an FTO.

In February 2007, Mr. Stancill was disturbed by the cold shoulder he was receiving and asked Sergeant Rocky Spirou ("Mr. Spirou"), "What's the deal with the attitude, why are they upset at me." Mr. Spirou responded, "They are not mad at you, they're mad at the administration." Mr. Spirou also told Mr. Stancill, that, "To tell you the truth, people feel you shouldn't be there. There are people who have more experience than you and more special assignments and they feel you didn't earn it." Mr. Stancill responded, "Hey, I tested just like they did. Mr. Spirou responded, "You just have to prove you can do the job." Mr. Spirou's retirement created the opening for Mr. Stancill's promotion in October 2007.

Mr. Rosenlind stated that people do not feel that Mr. Stancill earned his promotion. Mr. Stancill was taken under the wing of a Lieutenant and was "handed things" rather than having to work for them. It has always been understood that if you put in your time and lead by example, you will get promoted. The sense is that Mr. Stancill has done neither of these things.

Mr. Dekas feels that Mr. Stancill has "flown under the radar" much of the time because of his assignments in SRO and CID. In Mr. Dekas' opinion, Mr. Stancill was well qualified for the promotion, but others were not aware of the experience he gained as a SRO and in CID.

c. Intellect

Mr. Dekas does not know why Mr. Stancill is viewed as ignorant. His gut feeling is that there is racial bias at play because to him, there is no other logical basis. However, Mr. Dekas, has known Ms. O'Callaghan and Mr. Sobek a long time and never viewed Ms. O'Callaghan or Mr. Sobek as racist or prejudiced. Nor has Mr. Dekas perceived any

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

racial bias by any of the other Officers who have been critical of Mr. Stancill's promotion.

Ms. Kovach does not view Mr. Stancill as very smart. His behavior can also be immature and unprofessional, which causes Ms. Kovach to question Mr. Stancill's intellect.

Mr. DeCoulode felt that people were trying to shoot Mr. Stancill down. They were saying that he was not that smart. Mr. Torres was better liked than was Mr. Stancill. Mr. Torres is more polished and probably a little smarter than Mr. Stancill, in Mr. DeCoulode's view. Mr. DeCoulode believes that Mr. Torres is viewed as a sharper guy and was more respected.

Mr. Stancill scored higher than did Mr. Torres on the SRO test. Mr. Torres and Mr. Stancill studied together for the Sergeants test. Mr. Torres stated that he has learned a lot from Mr. Stancill. Mr. Torres has a four year college degree and Mr. Stancill has a two-year college degree.

Mr. Sobek has said to Mr. Torres that he doesn't have any issues with Mr. Stancill, but that he does not know how Mr. Stancill scored so high on the Sergeant's test.

d. Work ethic

According to Mr. Molettieri, Mr. Stancill is viewed as a mediocre worker, not a "go getter" like Mr. Torres. According to Mr. Molettieri, 90% of the Department was upset that Stancill was #3.

It was reported that there is the perception among some Police Officers that Mr. Stancill is lazy and takes short cuts in his work. Sergeant Lemmon stated that Mr. Stancill is viewed as lazy and not a very hard worker.

Mr. Molettieri reported that Mr. Torres told him that Mr. Stancill "piggy backed on his work while they were SRO's together." Mr. Torres does not feel this statement is valid. He and Mr. Stancill may have joked around about one being better than the other while they were both SROs, but it is not valid to say that Mr. Stancill "piggy backed" on Mr. Torres' work while they were both SROs.

When Sergeant Rick DeCosta supervised Mr. Stancill in the Sexual Assault Unit, Neil Goodman told Sergeant Lemmon that Mr. Stancill tried to dump a lot of his work on Mr. Goodman. Mr. Goodman told Sergeant Lemmon that Mr. Goodman stayed late every night while Mr. Stancill went home.

Sergeant Lemmon also reported that Ms. Fischer in Records told him that she "has issues" with Mr. Stancill's work ethic. Ms. Fischer told Sergeant Lemmon that Mr. Stancill "was not around much." Ms. Fischer is married to Mike Fischer, who came in ranked #7 on the 2007 Sergeant's test.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Ms. Fischer also told Mr. Nguyen-Delgado that she thinks Mr. Stancill is lazy and tries to get others to do his work. She has said that Mr. Stancill tried to pawn off his work on her. Mr. Nguyen-Delgado thinks that Ms. Fischer is angry that her husband and her friends Mr. Aldred and Ms. O'Callaghan did not get promoted before Mr. Stancill.

Ms. Fischer also mentioned to Mr. Torres that she "has issues with Mr. Stancill." Ms. Fischer was an administrative assistant in the detective unit and she put together packets regarding sex offender registrations when Mr. Stancill was in charge of the program. She commented to Mr. Torres that Mr. Stancill was "doing minimal work and would take the credit for what she did." Ms. Fischer also said that Mr. Stancill made "last minute" requests of Ms. Fischer just before she was due to go home. Mr. Torres recalls telling Mr. Stancill, "dude let her go home."

Mr. Torres also heard talk about people feeling that Mr. Stancill had not been handling his cases properly; that Mr. Stancill had not been investigating his cases to the fullest. Mr. Torres worked with Mr. Stancill and did not observe that himself. Mr. Torres and Mr. Stancill were SROs together but worked on their own cases. They had different cases at different schools.

In a joking manner, Mr. Torres had said to other Police Officers about Mr. Stancill, "He's been riding my coattails since we were SROs." Mr. Torres and Mr. Stancill are friends and have worked together in the Police Department for the same length of time. Some Officers believe that Mr. Torres had more time on the job than did Mr. Stancill. In fact, Mr. Torres and Mr. Stancill started on the same day.

Mr. Pricco had heard people say that Mr. Stancill "wasn't doing that great in CID." Mr. Pricco heard this in the form of rumors by a number of people, including Ms. O'Callaghan, Mr. Aldred, Mr. Fischer, and others. They were all disgruntled about their own rankings in the Sergeant's test and Ms. Pickard jumped on the bandwagon to support Ms. O'Callaghan.

Mr. Pricco heard that Mr. Stancill was doing a good job in CID. Mr. Pricco also heard that Mr. Stancill had been doing a good job as a SRO officer.

Mr. Dekas also heard that "people thought [Mr. Stancill] wasn't doing that well in CID." The first time that Mr. Dekas heard that criticism was when Mr. Stancill scored so high on the Sergeant's test. Mr. Dekas told Mr. Pricco that Mr. Stancill was doing a good job in CID. Mr. Dekas was Mr. Stancill's supervisor.

Mr. Fletcher reported that Mr. Stancill is doing very well as a Sergeant. Mr. Fletcher finds Mr. Stancill to be tough, but fair. According to Mr. Fletcher, before the Sergeant's test, Mr. Stancill was viewed as "The best street cop we have." That came from numerous sources. After the Sergeant's test, Mr. Stancill "morphed into a complete idiot."

Mr. Morgan reported that Mr. Stancill is the best Sergeant Mr. Morgan has had so far. He is approachable and always willing to help. He does not carry a chip on his shoulder

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

or assert his authority just for the sake of it. According to Mr. Morgan, Mr. Stancill is a leader, not a dictator.

Ms. Wilske, Mr. Shedd and Mr. Barr also reported that Mr. Stancill always goes out of his way to help other Officers and give advice.

e. Personal conduct

Sergeant Lemmon does not believe that Mr. Stancill's race is a factor in the way he has been treated since the Sergeant's test. Sergeant Lemmon feels that Officers resent Mr. Stancill for getting promoted because of his "poor character." The other two Officers who were promoted did not have any negative incidents on their records like Mr. Stancill does.

Mr. Shedd does not know what Stancill has done to make people not like him except that they don't think he has good "decision making skills." None of the detractors could tell Mr. Shedd what decisions Mr. Stancill has made that they disagree with or don't like.

Sergeant Lemmon believes that Mr. Stancill became a lightning rod for criticism because he has a reputation as a "ladies man" who has had extra marital affairs. Sergeant Lemmon stated that Mr. Stancill told him that he had affairs with Chandra Cassis and with Ms. Tiletile.

Mr. Young recalls that years ago, he heard that Mr. Stancill "made an inappropriate comment to Christina Sallie." When Mr. Stancill was a Police Officer, Ms. Sallie told Mr. Young that Mr. Stancill said to her, "Once you go Black, you never go back", meaning that once you've had sex with a Black man you'll never go back. Mr. Young does not know whether Ms. Sallie was offended or complained about the comment.

Ms. O'Callaghan, Ms. Pickard, Ms. Kovach, Mr. Young and Mr. Shedd all reported that Mr. Stancill has made racy comments in their presence that could be offensive to others, and which they felt were inappropriate and showed lack of good judgment.

According to Mr. Torres, there was an active rumor mill in the department surrounding Mr. Stancill that only began after Mr. Stancill scored well on the Sergeant's test. There was a rumor that "every female in the department" brought harassment allegations against Mr. Stancill.

Mr. Torres reported that Mr. Stancill did not talk about the allegations, but everyone else was. Ms. Fischer told Mr. Torres that she was aware of an investigation. No females in the department spoke with Mr. Torres about their allegations. Mr. Sobek asked Mr. Torres if he had spoken with Mr. Stancill about what was going on.

Ms. Kovach and Ms. O'Callaghan used to be close friends. After a time, Ms. Kovach realized that Ms. O'Callaghan could not be trusted and was not a loyal friend. Ms. O'Callaghan would try to make Ms. Kovach look bad. She divulged personal secrets Ms.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Kovach shared and "outed her" for smoking when Ms. Kovach made it clear she did not want that to be known.

Ms. O'Callaghan also held it against Ms. Kovach when she decided to divorce her husband, as if Ms. Kovach was being immoral. Ms. Kovach thinks that Ms. O'Callaghan has made some of the same morality judgments against Mr. Stancill. Soon after Mr. Stancill was promoted, Ms. O'Callaghan started wearing a necklace with the word, "integrity" written on it. She made it clear that she felt that Mr. Stancill was lacking in that department because he engaged in extramarital affairs.

Ms. O'Callaghan is a hypocrite in Ms. Kovach's view. According to Ms. Kovach, Ms. O'Callaghan dated a married man who was a Police Officer in Oakland for many years. She also started an affair with her current husband while he was still married to his former wife.

By contrast, Ms. Kovach understands that Mr. Torres is viewed as highly professional, seriously focused and is widely respected.

Mr. Rosenlind heard that there was a rumor that Mr. Stancill bought an expensive car and then wanted to return it. The dealer would not take the car back and a few weeks later, Mr. Stancill's car was reported stolen and was found stripped and burned in Oakland.

Mr. Rosenlind also reported that Mr. Stancill's son shot and killed another boy just after Mr. Stancill was promoted. Some witnesses reported hearing comments about Mr. Stancill after his son was arrested, to the effect of, "the apple doesn't fall too far from the tree."

f. SWAT incident

There are numerous variations of a story that circulated around the Department involving an altercation between Mr. Stancill and Mr. Calcagno and the SWAT Team.

According to Mr. DeCoulode, people were most upset about Mr. Stancill's ranking because of accusations that "Mr. Stancill had lied to a Sergeant and to a Lieutenant." Mr. DeCoulode understands that Lieutenant Lemmon concluded that Mr. Stancill had lied.

According to Sergeant Lemmon, there was an incident in which it was determined that Mr. Stancill had been untruthful. Sergeant Lemmon stated that he does not know the details, but his brother Lieutenant Lemmon investigated the issue involving Doug Calcagno.

After that incident, according to Sergeant Lemmon, "Mr. Stancill was taken off the SWAT Team." There was the perception that the incident was a significant negative on Mr. Stancill's record so it was a great surprise that Mr. Stancill was promoted.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Mr. Torres also heard people comment that Mr. Stancill "got kicked off the SWAT Team." Mr. Torres does not know anything about Mr. Stancill getting "kicked off" the SWAT Team.

Mr. Nguyen-Delgado reported that there was an incident years ago when Mr. Stancill was on the SWAT Team that people know about. Mr. Nguyen-Delgado does not know the details, but Mr. Nguyen-Delgado "knows that Mr. Stancill got kicked off the SWAT Team."

According to Mr. Nguyen-Delgado, "once Mr. Stancill was kicked off the SWAT Team", he was told to turn in his equipment to another Officer who was to take his place. He dragged out that process, telling Mr. Nguyen-Delgado that he was not going to deliver the equipment, and that the other Officer should come and get it from him.

Other witnesses reported that Mr. Stancill was looked down upon because he "quit the SWAT Team over at disagreement with another Officer."

In May 2006, Lieutenant Lemmon was a member of the SWAT Team. Mr. Stancill had been on the team for approximately three years and was doing a good job. Mr. Stancill was a member of the entry team, and was also a sniper on the SWAT Team.

The SWAT Team trains two nights a month. Lieutenant Lemmon recalls that Mr. Stancill asked for a leave of absence for a period of time to focus on his schooling. Mr. Stancill reported that he asked for a one month leave of absence to study for finals. Lieutenant Lemmon granted Mr. Stancill's request.

According to Lieutenant Lemmon, Mr. Stancill was not "kicked off" the SWAT team.

The SWAT Team was in the process of getting new .223 rifles. As .223 rifles were acquired, they were distributed based on need and seniority. Mr. Dekas was promoted to Lieutenant and he left the SWAT Team. Before he left, Mr. Dekas gave Mr. Stancill his .223 rifle. Mr. Stancill was not the next most senior Officer in line for the new rifle.

Mr. Stancill told Mr. Sellers that after Mr. Dekas gave Mr. Stancill his .223 rifle, Mr. Calcagno and Mr. Tutor felt they were entitled to have the rifle and began to taunt and tease Mr. Stancill, telling Mr. Stancill to give them the rifle. At that point, Mr. Calcagno told Mr. Stancill, "Well you know I'm going to go talk to Jim Lemmon and he'll make sure I get it."

Mr. Stancill perceives Mr. Calcagno as "a bully" and stated that Mr. Calcagno "has a million dollar house."

According to Mr. Stancill, approximately one week before he was due to come back from his leave of absence, Mr. Calcagno came to him and told him to give him his .223 rifle. Mr. Calcagno told Mr. Stancill that he had spoken with Lieutenant Lemmon and Lieutenant Lemmon authorized Mr. Calcagno to get the rifle from Mr. Stancill.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

According to Lieutenant Lemmon, a few days after Lieutenant Lemmon granted Mr. Stancill's leave of absence, Lieutenant Lemmon told Mr. Stancill that he would "send someone, probably Sergeant Tutor to get the SWAT Team .223 rifle from Mr. Stancill." Lieutenant Lemmon thought Sergeant Tutor was next in line to receive a rifle. As it turned out, Sergeant Tutor had a rifle and Mr. Calcagno did not. Lieutenant Lemmon told Mr. Calcagno to go get Mr. Stancill's rifle.

Mr. Calcagno told Lieutenant Lemmon that he tried twice to get the rifle from Mr. Stancill. Each time, they got into a verbal confrontation. According to Mr. Stancill, Mr. Calcagno told him, "It's going to be fun watching Jim Lemmon take it from you."

Mr. Stancill lost his patience at that point and felt that, "enough's enough." Mr. Stancill reported that Mr. Calcagno came and rudely demanded that he give him his rifle. Mr. Stancill states that because Lieutenant Lemmon told Mr. Stancill that he was to give the rifle to Mr. Tutor, Mr. Stancill thought Mr. Calcagno was "trying to pull a fast one" and get the rifle instead.

When Mr. Calcagno asked Mr. Stancill for the rifle again, Mr. Stancill responded "I don't think so." Mr. Calcagno said to Mr. Stancill, "We don't pay you to think here, we pay you to do." Mr. Stancill perceived that as a racially-based insult, became very upset and contacted Lieutenant Overton.

Mr. Stancill told Mr. Overton that he felt Mr. Calcagno's comment was racially demeaning toward him. Lieutenant Lemmon reported that he got a call from Mr. Overton and Mr. Pricco about the confrontation between Mr. Stancill and Mr. Calcagno.

Mr. Stancill also told Mr. Overton that Mr. Calcagno told Mr. Stancill that he was going to retaliate against him when Mr. Calcagno promoted to Sergeant. Mr. Calcagno denied that.

Mr. Sellers reported that Mr. Stancill told him that during one of the interactions Mr. Calcagno, who was soon to be promoted to Sergeant, told Mr. Stancill that, "I'm like an elephant and I never forget."

According to Lieutenant Lemmon, Mr. Calcagno can be very direct and forceful. Lieutenant Lemmon believes that Mr. Stancill and Mr. Calcagno have very similar personalities, but come from very different backgrounds.

Lieutenant Lemmon was embarrassed that it became such an issue. Lieutenant Lemmon told Mr. Stancill that he had said he was going to "send someone" to get the rifle. According to Lieutenant Lemmon, Mr. Stancill became agitated and angry. Mr. Stancill told Lieutenant Lemmon, "I didn't want that fucking punk to get the gun. He is not going to get the gun." Mr. Dekas gave Mr. Stancill his gun and Mr. Stancill didn't want Mr. Calcagno to have the gun. Mr. Stancill also told Lieutenant Lemmon that, "It's a man's gun, he's not going to get the gun." Mr. Stancill became extremely emotional about the situation.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

After they spoke about the incident, Mr. Stancill told Lieutenant Lemmon that, "I don't know if I can work with him now. I don't know if I can trust him to have my back." Lieutenant Lemmon told Mr. Stancill that if he felt that way, he should resign from the SWAT Team. Mr. Stancill resigned from the SWAT Team.

According to Mr. Sobek, Mr. Calcagno told him that after Mr. Stancill was promoted to Sergeant, he spoke with Mr. Calcagno and told Mr. Calcagno that he was sorry that he accused him of making a racist comment and that Mr. Stancill "only made the allegation because he was angry at Mr. Calcagno." Mr. Sobek concluded from the information he received from Mr. Calcagno that Mr. Stancill admitted to Mr. Calcagno that he had made a false allegation against Mr. Calcagno during the SWAT incident.

Mr. Sobek feels that making a false accusation against a fellow Officer is a serious infraction that should have disqualified Mr. Stancill from an early promotion to Sergeant.

Mr. Stancill denies that he admitted making a false allegation against Mr. Calcagno. Mr. Stancill states that he did attempt to make amends with Mr. Calcagno in 2006. After Mr. Calcagno was promoted, Mr. Stancill told Mr. Calcagno that he was sorry about what had happened between the two of them in the past, and hoped that they could put that all behind them and work together cooperatively.

According to Mr. Stancill, Mr. Calcagno replied that he was mad because Mr. Stancill had, "lied about Mr. Calcagno making a racial comment." Mr. Stancill explained to Mr. Calcagno that, "No, I never lied, I said that it was my perception that it was a racist statement." Mr. Stancill felt that he had resolved the issues with Mr. Calcagno in 2006.

g. Mr. Stancill's conduct after the Prior Investigation

Ms. Trujillo reported that Mr. Stancill retaliated against her by commenting about the Prior Investigation to guests at a barbeque Mr. Stancill hosted in May or June 2008 and when in June 2008, he celebrated the Prior Investigation results. Those allegations were investigated separately in the Trujillo Investigation.

Other witnesses reported that Ms. Trujillo told them about these incidents and those witnesses felt that Mr. Stancill's conduct confirmed that Mr. Stancill does not have the proper demeanor to be a Sergeant.

In April or May 2008, Ms. Trujillo told Ms. O'Callaghan that she heard that at a crew barbeque at Mr. Stancill's house, Mr. Stancill stated that he was "all about revenge and retaliation", or words to that effect. Ms. Trujillo also reported that Mr. Stancill told the group that he "does not forgive" and that "people who cross him better watch out." Ms. Trujillo told Ms. O'Callaghan that she feared Mr. Stancill was talking about Ms. Trujillo. Ms. O'Callaghan does not know who told Ms. Trujillo about Mr. Stancill's statements.

Ms. Trujillo reported that Dispatcher Melissa Thompson told Ms. Trujillo in May 2008, that Mr. Stancill hosted a barbeque for his squad. During the barbeque, Mr. Stancill was

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

"holding court", telling people that he holds grudges and does not forget when someone crosses him.

Ms. Trujillo told Mr. Rosenlind that someone told her that Mr. Stancill stated at a party at his home that he "never forgets and always gets even with people who cross him." Mr. Rosenlind thinks Melissa Thompson was at the party.

Mr. Young also heard about the barbeque that Mr. Stancill hosted at his house. Mr. Young was not at the barbeque. Mr. Young does not recall who told him about the barbeque. Mr. Young told Ron Clark about the comments he heard that Mr. Stancill made at the barbeque.

According to Mr. Young, "It's common knowledge" what Mr. Stancill said to all of the 3/12 Mid's guys who were there at the barbeque. Mr. Stancill was reported to be "holding court" and was bad mouthing all of the women who brought complaints against him. According to Mr. Young, Mr. Stancill, "blasted his mouth off at the barbeque" about the investigation and the fact that he had been exonerated of sexual harassment. Mr. Young also told Mr. Nguyen-Delgado what he heard.

Mr. Stancill states that he never made any comment to anyone about "holding court." In May, 2008, Mr. Stancill hosted a baby shower at his home for his wife that a few work friends attended. According to Mr. Stancill, there was no discussion about work or the investigation at the baby shower. Ms. Wilske from dispatch and Mr. Torres attended. Melissa Thompson, also a dispatcher, did not attend. Mr. Stancill does not know Melissa Thompson very well.

Mr. Torres reported that he attended a baby shower barbeque at Mr. Stancill's home in May 2008. He was there for approximately two hours. Ms. Wilske a dispatcher and Jeff Walton a Police Officer were also there. Mr. Torres did not hear Mr. Stancill make any comments about holding grudges or not forgetting when people cross him. Mr. Torres knows that Mr. Stancill takes it personally that some Police Officers have made derogatory comments about him, but he does a good job of keeping it to himself.

In May or June 2008, Ms. Wilske attended a baby shower for Mr. Stancill's wife at their home. Her mother attended with her. Mr. Stancill has helped Ms. Wilske's mother, doing some handyman work around her mother's home. They are friends. Ms. Wilske arrived about 20 minutes late to the baby shower but then stayed until the end.

The only people who were there from work were Mr. Torres, Officer Walton and Ms. Wilske. Ms. Wilske sat with Mr. Stancill the whole time. They played baby shower games. The entire time she was there, no one mentioned anything about any complaints or investigations at work.

The only time work was ever mentioned was when Ms. Wilske brought up the fact that she was testing for a supervisor position. Mr. Stancill has been a great mentor to Ms.

CONFIDENTIAL INVESTIGATION REPORT

DeWayne Stancill Complaint

Wilske. He spent a lot of time helping her to prepare for the supervisor's test. She is friends with Mr. Stancill's wife and daughters too.

If someone stated that Mr. Stancill was commenting about complaints or investigations or was making any comments about people at work at the baby shower, that report is false, according to Ms. Wilske.

According to Mr. Morgan, Mr. Stancill has not spoken about the investigation. His girlfriend went to a baby shower at Mr. Stancill's house. She did not report anything inappropriate.

Mr. Barr told Ms. Trujillo that on June 7, 2008, just a few days after learning of the results of the Prior Investigation into Ms. Trujillo's allegations, Mr. Stancill was laughing while he wore a T-shirt into the Men's locker room that said, "Acquitted" across the front. Mr. Barr also told Ms. Trujillo that during his shift, Mr. Stancill hung the T-shirt across the front of his locker in the Sergeant's dressing room.

Mr. Stancill acknowledges that he wore a T-Shirt to work with the word "Acquitted" on it. He was working the weekend shift and only a few people saw it. He only wore it into the locker room.

Mr. Stancill was very relieved when the results of the Prior Investigation came out. The rumors about what he was accused of were swirling around the department and during the investigation Mr. Stancill was prohibited from talking about the situation to clear his name. Mr. Stancill felt that the Prior Investigation was based on false and trumped up allegations by many of the same Officers who were adamantly opposed to his promotion. Mr. Stancill believes that these Officers lodged false and inflated allegations against him in an attempt to get him fired.

Mr. Stancill was aware that at the time, none of the Officers involved in the Prior Investigation worked weekends. None of them saw him, or the T-Shirt he wore.

After he wore the T-Shirt, he realized that he had made a mistake in judgment. He spoke with his Lieutenant and his friend Sergeant Torres and apologized to them both for his lapse of judgment.

Later, Mr. Stancill called Mr. Nguyen-Delgado and told him that he realized that wearing the T-shirt in the station was not appropriate and that he now understood that he should not have done that.

Conclusions Regarding Issue II

Many witnesses reported that they believed Mr. Stancill was not qualified for promotion due to a lack of job experience. However, Mr. Torres had virtually the same length and type of job experience as did Mr. Stancill, and Mr. Torres was not similarly criticized.

There is evidence, based on statements from Ms. Pickard and Ms. O'Callaghan, that Mr. Stancill's race was a factor in how they perceived him. There is also evidence however, that Mr. Stancill has a strong sense of himself, based on his race. Mr. Stancill is a proud Black man who overcame substantial poverty and cultural obstacles to get where he is today. Mr. Stancill drew attention to his race in conversation with Ms. O'Callaghan when he congratulated her for breaking through the "glass ceiling" for minorities like himself and when he accused Ms. O'Callaghan of not noticing that his arm was in a cast because of his skin color.

Ms. Pickard noted that Mr. Stancill can be professional in one moment and totally inappropriate the next. Mr. Stancill "talks ghetto" on the job and Ms. Pickard does not like "his style." Other witnesses also noted that Mr. Stancill sometimes "talks ghetto" and has a street swagger about him. Another Black Officer, Mr. Shedd, noted that Mr. Stancill "has a style all his own" and does not fit the mold of the polished professional Sergeant.

Mr. Stancill is not as social with the other Officers as Mr. Torres was and sometimes came off as "gruff." Mr. Stancill was guarded around some Officers and many did not get to know him as well as they got to know Mr. Torres. Sometimes, Mr. Stancill was too relaxed or familiar with some people he did not know well and made inappropriate or unprofessional comments in their presence.

There does not appear to be, however, significant evidence that the negative perceptions some witnesses have of Mr. Stancill were based on his race. The casual street talk Mr. Stancill sometimes used was perceived as unprofessional and offensive to some.

Although many Officers' negative judgments about Mr. Stancill were based on unsubstantiated rumor, half truths and innuendo, there is evidence that some of Mr. Stancill's conduct and interactions with some Officers gave rise to concerns about his readiness for promotion. The SWAT incident showed a lack of maturity, problem solving skill and composure.

The perception by some witnesses of Mr. Stancill's lack of intelligence also appears to stem from his occasional use of unprofessional or inappropriate language among those whom he does not know well. Although her motives are questionable, those circumstances led Ms. O'Callaghan to report to Lieutenants that she thinks Mr. Stancill could be "a liability" as a supervisor.

The weight of the evidence leads to the conclusion that Ms. O'Callaghan, Ms. Pickard and other Officers made negative judgments about Mr. Stancill based on his demeanor, work experience, perceived intellect, perceived work ethic, perceived immoral or dishonest conduct and the rumors about the SWAT incident, rather than based on his race. Those facts, rather than his race, set him apart from Mr. Torres and Mr. Young.

INVESTIGATION CONCLUSIONS AND RECOMMENDATIONS

1. Based on the applicable facts, including facts regarding credibility, the investigation concludes that Ms. O'Callaghan and Ms. Pickard shunned Mr. Stancill and made derogatory comments to several Police Officers about Mr. Stancill to the effect that they thought Mr. Stancill was "stupid" or "an idiot" after Mr. Stancill did well on the Sergeant's test in February 2007. The investigation also concludes that other Police Officers also made similar comments about Mr. Stancill.

There is evidence that Ms. O'Callaghan, Ms. Pickard, Mr. Sobek and Ms. Trujillo shared information about their displeasure with Mr. Stancill's promotion and supported efforts to bring exaggerated complaints against Mr. Stancill in an effort to undermine him.

There is evidence that Ms. O'Callaghan, Ms. Pickard and Ms. Trujillo called in sick to Mr. Stancill's shift in order to undermine and shun him because they opposed his promotion.

There is insufficient evidence to conclude that Ms. O'Callaghan, Ms. Pickard and Ms. Trujillo had objective and legitimate reason to fear working with Mr. Stancill after December 2007.

There is evidence that Mr. Stancill celebrated the results of the Prior Investigation by wearing a T-Shirt to work with the word "Acquitted" printed on it.

2. Based on the applicable facts, including facts regarding credibility, the investigation concludes that there is insufficient evidence to establish that Police Officers made derogatory statements and engaged in conduct against Mr. Stancill because of his race.

There is evidence that Police Officers made judgments about Mr. Stancill based on his demeanor, work experience, perceived intellect, perceived work ethic, perceived immoral or dishonest conduct and the rumors about the SWAT incident, rather than based on his race.

3. It is recommended that all employees referenced in this report be reminded that state and federal law prohibit any individual from taking any retaliatory action against any individual for having filed a complaint or participated in the investigation.