



Austin Institute. LLC

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INVESTIGATIVE REPORT

Allegations of Hostile Work Environment, Bias, and Discrimination
within the Pflugerville Police Department
December 20, 2020



Purpose

The purpose of this investigation was to determine if there was a factual basis for and evidence which validates the allegations of Hostile Work Environment through gender bias and discrimination, brought by Officer Alicia Fitzpatrick [REDACTED] in her formal complaint dated October 22, 2020. See Exhibit "A"

Officer Fitzpatrick alleges that a small group of police officers of the Pflugerville Police Department (PPD), aided by department support staff and a member or members of the Pflugerville City Council, have targeted Officer Fitzpatrick utilizing complaints to Internal Affairs Division, and less formal write ups via emails to Sergeants and Lieutenants, with some Lieutenants blind copied, in a concerted effort to undermine Fitzpatrick's professional credibility, personal integrity and trustworthiness, and to prevent Fitzpatrick from being selected for specialized assignments such as K-9 Officer.

When Fitzpatrick was selected for an open K-9 position, the situation was exacerbated when it was determined that the K-9 Lubo would be retired and there was insufficient funding available to staff a trained K-9. This issue was not mentioned prior to the February 2020 K-9 Board where Fitzpatrick was selected to fill the position. This was confirmed by board members, who reported that Fitzpatrick scored better than other candidates. To date, the position remains unfilled and the K-9 Unit is considered short staffed.

It seems clear that Fitzpatrick's success at the K-9 Board began a pattern of gender bias, discrimination, and adversarial targeting resulted in her Hostile Work Environment complaint.

Details

This investigation is at the request of the Pflugerville City Manager authorizing The Austin Institute, LLC, to conduct an independent investigation into the formal complaint filed by Pflugerville Police Officer Alicia Fitzpatrick [REDACTED] specifically naming Sgt. [REDACTED] [REDACTED] and other employees who are alleged to be responsible for a pattern of behavior and conduct that is unacceptable in present day law enforcement and which generally results in administrative action up to and including suspension, demotion, and/or termination.

Nineteen interviews were conducted between 11/05/2020 and 12/10/2020. The first interview was of [REDACTED] [REDACTED] Director of People and Culture (HR), who provided copies of PPD regulations, policies, and protocols. These documents addressed Chain of Command, Internal Affairs Division, and the Disciplinary Process as it pertains to complaints of Hostile Work Environment. Ms. [REDACTED] also facilitated contacting and scheduling department personnel for interviews. Ms. [REDACTED] should be commended for her outstanding performance in assisting the investigators and facilitating interviews in light of the current Pandemic and privacy concerns.



Initially, we note that the evidence and interviews demonstrate that Fitzpatrick's job performance, professionalism, and integrity were highly rated for the period of time since she started at the PPD on 07/01/2019 up to the K-9 Board in February 2020. Sgt. [REDACTED] and Sgt. [REDACTED] describe Fitzpatrick as being a "stellar" performer who leads the Department in statistical accomplishments, is trusted by her peers, with Sgt. [REDACTED] going so far as to say he wished he had an entire squad of officers just like her. Sgt. [REDACTED] used the word "spectacular" in describing Fitzpatrick's performance as a police officer. Sgt. [REDACTED] and Sgt. [REDACTED] directly supervised Fitzpatrick. However, this reportedly accomplished police officer now alleges that there is a Hostile Work Environment, gender bias, and that she has suffered discrimination.

Fitzpatrick alleges there are three reasons for the existence of these issues:

- 1) There is a "good old boy network" and/or an intense subculture, that persists within the Department—a belief system harbored by a cadre of male officers—who contend that female officers receive preferential treatment for promotions and are not subjected to the same disciplinary consequences as their male counterparts. Fitzpatrick is first introduced to the "subculture" when she applied for the K-9 position and experienced firsthand the harassment and intimidation of female officers trying to break into elite units within police departments.
****Women in Policing: Breaking Barriers and Blazing Trails....**Anecdotal evidence shows that women are underrepresented in positions such as the SWAT team and other elite units. One woman stated that when the first woman was appointed to the SWAT team the rest of the Team quit.*
- 2) The same "subculture" power structure uses LEAP as a tool for ignoring and circumventing the Chain of Command by any means; and
- 3) The "subculture" has an agenda: to remove Chief [REDACTED] [REDACTED]

Our investigation confirmed that this subculture exists within the Department.

Targeting

In January 2020, a position vacancy on the K-9 Team was posted for interested officers to apply. After she applied, Fitzpatrick was stunned by the comments and discouraging remarks that were made regarding her ability to fulfill the duties and responsibilities of the K-9 Officer position. Many of the disparaging remarks were made about her physical stature and only getting the position because she is a "girl" (noticeably not a woman).

Officer [REDACTED] of the K-9 Unit told Fitzpatrick that new physical fitness standards were soon to be published and may be applied to this selection board. Fitzpatrick, believing that [REDACTED] was helping her, initiated an extreme physical training regimen, along with trying to get as much training time with the K-9 Unit as possible, shift hours permitting. Before the board convened, Fitzpatrick had a conversation with CMDR [REDACTED] [REDACTED] and the subject of the enhanced fitness requirements came up. [REDACTED] informed Fitzpatrick that she had been



given bad information, that no such thing was even pending final consideration much less made official policy.

Fitzpatrick took that information, coupled it with the derogatory texts (such as: you are too short, you can't handle a large dog, you'll only get the job cause you're a girl) and comments from other officers that were demeaning and/or trying to get her to abandon her application, and determined that there was an orchestrated effort targeting her.

As a result of this pressure, Fitzpatrick submitted a memo withdrawing her application. She was then contacted by Lt. [REDACTED] who encouraged her to compete for the position. The K-9 Board convened in February 2020. It was chaired by LT [REDACTED] as Moderator, LT [REDACTED] K-9 Officers [REDACTED] and [REDACTED] and former K-9 Sgt. in charge of the Unit, Sgt. [REDACTED]. Subsequently, Lt [REDACTED] contacted Fitzpatrick and advised her she had been selected to fill the K-9 slot.

Approximately a week or so after being informed that she had been selected, Fitzpatrick discovered that Sgt. [REDACTED] told Officer [REDACTED] (who had competed as well) that the Board cast three votes for [REDACTED] and only two votes for Fitzpatrick. Sgt. [REDACTED] told [REDACTED] that the "Administration" picked Fitzpatrick because "she was a female and it would make the department look good." More than one officer reported this conversation between Sgt. [REDACTED] and [REDACTED]. Sgt. [REDACTED] stated that he only spoke with an Officer [REDACTED] about the subject. Either way, in discussing Board actions with other officers outside of the Board setting, Sgt. [REDACTED] violated the rules governing confidentiality of the K-9 Board. The conversation between Sgt. [REDACTED] and [REDACTED] was corroborated by [REDACTED] who spoke directly with [REDACTED]. [REDACTED] also reported that Fitzpatrick had actually interviewed best of all the applicants, but that the Board focused more on law enforcement experience when they voted.

[REDACTED] made no mention about Fitzpatrick being awarded the position strictly because she is a female. When asked about the decision of the board, LT [REDACTED] stated that Chief [REDACTED] picked Fitzpatrick. However, LT [REDACTED] reported to Command Staff that Fitzpatrick had boarded the best of all the candidates, and since the unit was under him, Lt. [REDACTED] chose Fitzpatrick for the position.

Officer Fitzpatrick had a commendable personnel file from the beginning of her probationary period up to February 2020. After being chosen for the K-9 position, albeit without full board support, SGT [REDACTED] was angry about the outcome and went to SGT [REDACTED] and SGT [REDACTED] saying, "she only got the job because she is the Chief's favorite and females get preferential treatment." Over the next five months, Fitzpatrick had five separate complaints brought against her—**four** of these complaints were initiated by SGT [REDACTED]



1) April 2020 - Dereliction of Duty

Fitzpatrick responded as backup or cover officer to [REDACTED] for a possible DWI call. The female was found asleep behind the wheel in an inebriated state, but the vehicle was not running and was in a private parking lot. The officers discussed arresting her for DWI or getting her a ride home. The primary officer asks Fitzpatrick for advice. The policy on arrest allows and actually states that if there is an alternative to arrest to utilize it and leaves a wider birth for officer discretion when appropriate. (See PPD Policy and Procedures 25.02.7 Use of Discretion 01 Alternatives to Arrest and Confinement

Her advice was to determine if the female has any prior DWIs. Finding none, [REDACTED] decided to find her a ride, by getting a family member to come to the scene and give the female a ride home. Sgt. [REDACTED] the on-duty supervisor was consulted and he concurred with [REDACTED] and Fitzpatrick's decision. SGT [REDACTED] reviewed the video of this incident. SGT [REDACTED] stated that he watched the video because SGT [REDACTED] told him that he thought the notes looked "funny" and asked [REDACTED] to assess the call. (This is not a typical request per most the interviewees of the department. SGT [REDACTED] had already left PPD and was unavailable for interview.) SGT [REDACTED] was outraged that an arrest was not made and demanded that both officers, but particularly Fitzpatrick (senior officer) be written up for "dereliction of duty" and have it sent to IA. SGT [REDACTED] refused to lodge the complaint and backed up the judgement of Fitzpatrick and [REDACTED] SGT [REDACTED] reviewed the video and agreed with [REDACTED] It should be noted that [REDACTED] appeared to be focused on Fitzpatrick's conduct and not on [REDACTED] [REDACTED] was apparently not told about this incident as Fitzpatrick was concerned this would undermine [REDACTED] confidence on the street.

The Dereliction of Duty Policy does not appear to apply to Sgt. [REDACTED] complaints and we noted no policies that mandate an arrest under these circumstances. SGT [REDACTED] demand was without merit and infringed upon the authority of the on-duty supervisor's authority as well as the Chain of Command.

2) May 18, 2020 - Insubordination

Officer Fitzpatrick is called in to see LT [REDACTED] and told that [REDACTED] wants her charged with "insubordination". It is noted that Sgt. [REDACTED] did NOT include her supervisor Sgt. [REDACTED] in his complaint or new demand, but instead, bypassed Fitzpatrick's immediate supervisor. In this particular incident [REDACTED] was the lead officer on scene of a DWI and Fitzpatrick was again the cover officer. However, [REDACTED] wanted Fitzpatrick written up for insubordination, even though [REDACTED] spent over an hour attempting to find the suspect a ride. [REDACTED] did not demand that [REDACTED] be written up for dereliction of duty or any other violations. Sgt. [REDACTED] again focused only on Fitzpatrick, as he had done just a few weeks before. In this case, the circumstances of the DWI were much more egregious than the earlier DWI. Here [REDACTED] made the decision to seek a ride for the suspect. Officer Fitzpatrick advised against calling for a ride noting



that she had nearly been written up by another Sergeant, not theirs, on a different DWI. Fitzpatrick thought that this suspect should be arrested and she effectuated this arrest after [REDACTED] went off duty. It does not appear that Fitzpatrick committed insubordination when she factually shared information that was directed to her on a similar but much less egregious case. However, Fitzpatrick did convey to another officer on their shift that this particular SGT should mind his own business. Whether Fitzpatrick had grounds to voice her concerns about being singled out by SGT [REDACTED] (and it appears it does) this was not the proper venue to voice this concern. [REDACTED] also complained about Fitzpatrick's unprofessional statement that "Modelo strikes again," as there were multiple empty beer cans in the car. However, no command staff personnel that were interviewed found this statement to be unprofessional or that it could impact prosecution of the case. It was noted that another officer was laughing on the radio and did not receive any notice of unprofessionalism in a counseling memo.

Lt. [REDACTED] explanation as to why [REDACTED] was suddenly watching Fitzpatrick's videos, when he has never done so before, was that any SGT can watch any camera videos he wants to. [REDACTED] also notes that Sg. [REDACTED] is officially designated as the DWI over watch on ALL DWI cases for the Department, and that that [REDACTED] is In charge of LEDRS which is currently not in use (LEDRS is a case Management system for tracking specific violations such as DWI). However, these contentions were not substantiated in writing or by any command staff. During their interviews both SGT [REDACTED] and SGT [REDACTED] made a point to say that wasn't really true but talked about the "pass on" as the only way they see the videos.

3) September 28, 2020 - Dispatcher Complaint

A text message was sent to SGT [REDACTED] from Dispatcher [REDACTED] [REDACTED]

"[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]"

If there was a legitimate violation then Ms. [REDACTED] should have followed her Chain of Command and advised her supervisor, or Officers Fitzpatrick's immediate supervisor, who could have then forwarded it to IAD for investigation. However, [REDACTED] is

[REDACTED]
[REDACTED] Regardless, [REDACTED] sent her text to [REDACTED] rather than through the appropriate Chain of Command. Sgt. [REDACTED] attached [REDACTED] complaint to a formal IAD Report, signed it electronically, and forwarded it on 09/29/2020 to IAD, rather than allowing her immediate supervisor to first assess the merit of this hear-say allegation.



Upon becoming aware of the text message and IAD filing by [REDACTED] CMDR [REDACTED] expressed her disgust at the whole incident as did anyone involved in the chain of command. CMDR [REDACTED] evaluated the report and labeled it “unfounded.” Commander [REDACTED] stated that this complaint appeared to be related to [REDACTED] discontent over the K9 Board issues.

4) October 2, 2020 - Failure to Report

On October 20, 2020 SGT [REDACTED] told Fitzpatrick that he received an email from [REDACTED] who also cc'd LT [REDACTED] and LT [REDACTED] referencing another Fitzpatrick video. This email stated that “upon review of this case, I found that this was an LTS (Leaving the Scene) collision with a possibly intoxicated driver, and no offense report or crash report was completed.” The call was early October, and the Email came approximately 2 weeks later, the time needed to find the video. Fitzpatrick advises that she was dispatched to the scene and observed a large section of fencing was clearly struck by a vehicle. Witnesses on the street described the suspect vehicle as a small white single-cab Ford pickup truck. Fitzpatrick advised she met with the owners of the fence, telling them they would need to sign a Citizen’s Request for Criminal Complaint indicating they would like to pursue charges for the damages caused by the driver crashing into their fence and for leaving the scene. The victims were hesitant to do this, and felt uncomfortable with that decision being in the purview of a citizen. Fitzpatrick explained that as a representative of the State, she could not pursue a property crime on their behalf as it is not her property. Fitzpatrick offered a solution of locating the driver and see if they will do the right thing and provide their insurance information. The victims stated they would rather go that route, and did not want anyone to be arrested. Further investigation on scene raised the issue of whether it was a male or a female driving the vehicle, and who was actually responsible. Ultimately the victims did not want to file any charges, and were satisfied with insurance information. Fitzpatrick noted that absent a complaining victim and insufficient probable cause for an arrest of DWI as the driver could not be confirmed, the call was closed with CAD Notes and a police report was not completed because there was no “crime.” Further, a Crash Report was not done because the damage to the fence was minimal and probably less than \$1,000.00. Without a damage estimate, Fitzpatrick consulted with shift supervisor SGT [REDACTED] who was on scene, of the circumstances and he concurred with her decisions.

When Sgt. [REDACTED] and Officer Fitzpatrick received the corrective email from Sgt. [REDACTED] they both had several concerns. Notably, [REDACTED] was in CID and there was no reason for CID to be involved. Fitzpatrick had conducted a Spillman Search and found no CAD Card of involvement with the suspect vehicle, the address, or any of the persons involved, that would have explained how [REDACTED] became aware of the call, unless he was intentionally searching through her videos. It would have taken approximately 38 minutes of watching the tape of her camera before any real statement of possible DWI was discussed. Fitzpatrick previously requested that the number of



her videos that [REDACTED] was reviewing. However, she was never advised of the outcome of that request.

SGT [REDACTED] directly requested an explanation about how SGT [REDACTED] became aware of this particular call. He has yet to receive any explanation.

5) November 4, 2020 - Making an Arrest Without Waiting for Backup

Officer Fitzpatrick received a Counseling write up for making an arrest without waiting for backup. This complaint resulted from an agreement between Sgt. [REDACTED] Sgt. [REDACTED] and Corporal [REDACTED] [REDACTED] did this write up, suggesting that this arrest violated Department policy. However, after reviewing all PPD Regulations, policies, and protocols, and no support for a requirement for officers to wait for back up prior to making an arrest could be found.

This was a case of an officer's judgement from the facts presented at the scene. Fitzpatrick had no idea as to the locations of other responding officers or how close they might have been to assist. Fitzpatrick judged that the longer she waited, the more time the subject would have to think about trying to overpower her, get her weapon, and continue to be a clear and present threat. Fitzpatrick safely made the arrest and the subject surrendered. LT [REDACTED] said it plainly, "Sometimes you just have to do cop sh-t!" Fitzpatrick was commended by CMDR [REDACTED] and the two Patrol LTs as well as others for her decisive actions. As of 12/2020, due this abuse of power (and targeting), command staff will no longer write counseling memos on officer if there is no underlying policy violation.

Interestingly, CPL [REDACTED] performance evaluation of Fitzpatrick as an officer was completely different from the previous evaluations done by Sergeants [REDACTED] and [REDACTED] and others. [REDACTED] stated that Fitzpatrick didn't get along with SGT [REDACTED] on Shift 4. SGTs [REDACTED] [REDACTED] and CPL [REDACTED] each reviewed the video of this arrest. Their explanations for the reasons and how they came to watch the video changed multiple times during our investigation. These changes in their stories and the multiple explanations offered by [REDACTED] regarding the reason he watches her videos, continued to change during our interviews, the IA interviews and his explanations to Fitzpatrick's direct supervisors. Lt. [REDACTED] additional explanation, (that [REDACTED] is officially designated as the DWI over watch on ALL DWIs for the Department) was not substantiated in writing or in our interviews with Command Staff. SGT [REDACTED] handled the Counseling write up and noted that Fitzpatrick took exception to the negative write up. [REDACTED] described Fitzpatrick as "someone who tries to do everything so she will look great, including jump calls and claim stats." [REDACTED] stated that Fitzpatrick is not a good cop and is always talking trash in the patrol room. Given that [REDACTED] assessment of Fitzpatrick's job performance was so completely negative and opposite of SGT's [REDACTED] and [REDACTED] and her past supervisors that it appeared that [REDACTED] has his own agenda more in line with [REDACTED] and [REDACTED]. His reasons for talking about how bad she is, appears to be an effort to undermine her credibility. [REDACTED] stated that "she [Fitzpatrick] sucks the life out of a shift" raises questions as to why he is so



completely negative about Fitzpatrick, and raises questions about his overall judgement in performance appraisals, as well as his need to keep in step with [REDACTED] and [REDACTED] at the expense of his personal integrity and professional credibility.

[REDACTED] was asked specifically what officers he had written up for Internal Affairs besides Fitzpatrick. [REDACTED] lied to the Investigator stating, "I've never written up Fitzpatrick, I've never written anyone up." However, a review of the Internal Affairs Complaint shows that [REDACTED] sent it on 09/29/2020 and signed it electronically. [REDACTED] also made oral demands for Fitzpatrick's supervisor or LT to write her up. [REDACTED] was critical of Fitzpatrick's job performance, and demanded that she be charged with Dereliction of Duty for failing to do an accident report on a DWI/LT.

SGT [REDACTED] further demonstrated his targeting of Fitzpatrick by reviewing the pass on videos for DWI cases specific to Fitzpatrick. In one instance Fitzpatrick was confronted by SGT [REDACTED] with a negative counseling memo write up on her, even before she had turned in her body camera.

Many of the officers interviewed stated that it was blatant and obvious that SGT [REDACTED] was targeting Fitzpatrick, and that he was being assisted by a few other officers in the Department who were a part of a small group that didn't like the Chief and the new accountability systems and professionalism introduced over the last 4 years. [If you know the names of these persons, they should be listed here.]

LT [REDACTED] told us that he ordered [REDACTED] to stop looking at Fitzpatrick's videos, and CMDR [REDACTED] stated he intended to give a direct order to [REDACTED] to stop reviewing videos but did not want to interfere with this investigation.

When asked why he looked at her first DWI tape SGT [REDACTED] evidently stated [REDACTED] asked him to do so because the call notes looked funny. Our inquiry with other Lieutenants and Commanders failed to corroborate SGT [REDACTED] official authority to review all DWI videos.

However, further investigation revealed that prior to his leaving the PPD, LT [REDACTED] had discussed this situation at great length with Officer Fitzpatrick. There is confusion over when the first incident in May and when the counseling Memo is sign which is a month later Fitzpatrick cleared this up stating that after he yelled at her and accused her of Insubordination and discourteous to a supervisor, that it took him a month until June 18, 2020 to give her a Counseling memo to sign. This is when an email from Fitzpatrick to LT [REDACTED] explaining in detail some of the things SGT [REDACTED] had done to Fitzpatrick since she put in for the K-9 position was also sent to Lt. [REDACTED]. Fitzpatrick did not receive a response from LT [REDACTED] to her email, but instead she was contacted by Internal Affairs and notified that she was listed as a witness in an IA complaint filed by LT [REDACTED] alleging SGT [REDACTED] and SGT [REDACTED] had made derogatory remarks about Fitzpatrick, calling her "the little Princess" in front of other officers in



the Briefing Room and, as such, had created a Hostile Work Environment. Earlier this year IAD adjudicated this complaint by LT [REDACTED] as “Unfounded.”

Through the investigation we were presented with multiple reasons for Sgt. [REDACTED] sudden interest in and active demand for officer Fitzpatrick to be written up and punished for her patrol case work. Particularly important finding was that before the K9 board Officer Fitzpatrick received zero write ups by SGT [REDACTED] or for that matter any except IA report for car damage with an oral reprimand. Clearly, we see a straightforward abuse of power, targeting and harassment of Officer Fitzpatrick from February 2020 when she first applies to board for the K-9 and till November (when this investigation was initiated). ***National Center for Women and Policing: Prevention of Retaliation:** *Employers must clearly state that any use of the internal investigation and discipline system for harassment or retaliation will be treated as a serious offense. while employees must be encouraged or even required to report serious misconduct on the part of another employee, they must also clearly understand that any misuse of the system will be grounds for discipline. Complaints filed against employees to report the serious misconduct of another employee should always be viewed as a possible retaliatory action, and the motive of the complaint should be examined.*

A second glaring question that took on meaning was why SGT [REDACTED] was not stopped or himself written up for not stopping after being told to stop; for harassment and targeting of Officer Fitzpatrick with the very strong possibility of gender discrimination. It took a lot asking in many different formats of the interviewees before a clear and straightforward answer did appear. When asked about a subculture it was not recognized except by women officers on the force. However, if asked what was going on in the department that was making so much chaos drama and anxiety, and SGT [REDACTED] behavior of targeting and harassment against a female officer; it was quickly assessed by the interviewees to be a small group of male officers who did not like the chief, her new policies, protocols and standards, nor her support of women in the department which was seen as preferential treatment. Further nearly all interviewees stated that the reason they had not stood up to SGT [REDACTED] or had written him up was due to his

basis. ***National Center for Women and Policing: Discriminatory Referrals...***one technique of discriminating against women and minorities is to send reports of their minor in fractions to the internal investigation unit while not sending reports of similar conduct by white males. For example a woman officer who misses a court appearance is written up and the report sent to internal affairs. However man who missed court appearances are counseled but nothing is put in writing. This difference in reporting will build a file of complaints against the woman and potentially prevent her from receiving specialty assignments or promotions. This is considered disparate treatment and could become the basis for discrimination lawsuit.*

Finally, and perhaps the most disappointing and glaring truth of this case brings a real question of capability of supervisory ability and leadership of Sgt. [REDACTED] (to a lesser degree for SGT [REDACTED] and SGT [REDACTED] After Fitzpatrick was awarded the K9 position, there was a real chance to have an investment in assisting younger officers particularly a female officer become



a successful K9 handler and eventually the next leader and potentially command staff through positive teaching, training and discussion. Instead, an obvious agenda against existing command staff (the Chief) and the belief that women were receiving preferential treatment turned this into an explosive case of targeting, harassment and gender bias.

Law Enforcement Association of Pflugerville (LEAP)

LEAP is one of the tools that Sgt. [REDACTED] used in the furtherance of the “subculture’s” agenda—that female officers are given preferential treatment because the Chief is female, and the Chief needs to be removed. [REDACTED] and [REDACTED] comprise the elected officers of LEAP, which has had a mixed reception by the rank and file of PPD, as evidenced by the small percentage of officers who are members. Though well intentioned initially, LEAP claimed credit for pay adjustments even though Chief [REDACTED] had worked diligently to get this through the City Council, who was unwilling to fund the request. Regardless of the effort put in by Chief [REDACTED] to lay the foundation for success, LEAP took credit for the pay adjustments. However, subsequent investigation indicates that Sgt. [REDACTED] uses his standing as an elected officer of LEAP to circumvent the entire Chain of Command within PPD, and have meetings with the Pflugerville City Manager and one or more City Council members as a means of making derogatory remarks about Chief [REDACTED] and other female officers, and thereby undermining the Chief’s credibility. The City Manager [REDACTED] stated that she is supposed to meet with LEAP quarterly, but they have had no meetings for an extended period of time. Officers at every level within PPD made statements that Sgt. [REDACTED] boasts of his connections to the City Manager and Council, and since Pflugerville is an “at will” city with no employment protections, this contributes to a perception by some that [REDACTED] can do whatever he wants within the Department, and no one will stand up to him. Whether this is completely true or partially true, that perception has become reality among the rank and file of PPD. Additional interviews revealed a description, that LEAP “was a small lynch mob led by [REDACTED] with the goal of removing the Chief.”

Chain of Command

The organizational Chain of Command describes who employees report to, and when they should consult their superiors in making decisions and obtaining authority. Establishing a structural hierarchy within an organization will set expectations at every level. Not only is it part of an organization’s hierarchy but it is essential to creating an efficient and effective work environment. A clearly defined Chain of Command structure helps employees understand from whom they should seek guidance and the authority to carry out certain tasks, especially in a law enforcement organization. A breakdown in the Chain of Command can cause significant strife within the workforce and undermine the authority of senior leaders. It should be noted that the Chain of Command goes in both directions, up the chain and down, and clearly defines authority and accountability of each level within that chain.



If the Chain of Command is broken or poorly established, chaos breeds problems. Without a hierarchy in place, questions get answered by the wrong people, orders or directives are issued by the wrong people, and problems foment within the organization. If employees leapfrog above their superiors, this creates a problem with the front-line management team rather than mid-level management. That type of circumvention can lead to resentment, fractured teams, and a potential for high employee turnover. Such is the situation with the Pflugerville Police Department. Sgt. [REDACTED] spends an inordinate amount of time going through pass on videos to find Officer Fitzpatrick on the video in order to single her out for criticism. Yet in one instance [REDACTED] ignored writing up the lead officer on scene who did not have a body camera, but intentionally targeted Fitzpatrick, the backup officer, for not writing a report, calling it Dereliction of Duty, even though Fitzpatrick's immediate supervisor Sgt. [REDACTED] agreed with Fitzpatrick's judgement. [REDACTED] made sure that he included copies of his critical email to a number of Lieutenants who were not over Sgt. [REDACTED] or Officer Fitzpatrick, as further examples of his total disregard for the Chain of Command, and ignoring direct orders from superiors to stop reviewing videos of Fitzpatrick, so he can pursue his obsessive and blatant targeting of Fitzpatrick.

Interviews of Chief [REDACTED] Assistant Chief [REDACTED] CMDR [REDACTED] and [REDACTED] and other Lieutenants and Sergeants all conveyed the most appropriate and effective use of the Chain of Command, which is to address issues or performance problems at the lowest level of the chain, Sergeant to Sergeant, and verbally without going to write ups if possible. This will have the quickest and most efficient resolution of most problems that affect day to day officer performance, and can have the positive impact of training. This is neither the method nor the intent of SGT [REDACTED]

Even when he presents an issue to another Sergeant responsible for an officer and that Sergeant disagrees, [REDACTED] makes it a point to pass on his criticism to others including Lieutenants who are not in the immediate chain of the officer in question. On two separate occasions, [REDACTED] informed Sgt. [REDACTED] and Sgt. [REDACTED] about what he considered serious issues concerning Officer Fitzpatrick. In both situations, [REDACTED] and [REDACTED] disagreed with [REDACTED] including one where [REDACTED] was present on scene and had approved of Fitzpatrick's actions, but [REDACTED] demanded she be written up for insubordination. It was noted that [REDACTED] chose to ignore the lead officer's actions and targeted Fitzpatrick, even though she was the cover or back up officer. Still, it was noted by other Lieutenants that Sgt. [REDACTED] is the only one who is well-known for circumventing the authorized Chain of Command and sends emails to different Lieutenants. LT [REDACTED] who has had [REDACTED] under his command for approximately one month, reportedly told [REDACTED] to "...just shut up!" [REDACTED] agreed that [REDACTED] actions against Fitzpatrick gives the appearance of targeting.

Pflugerville City Manager [REDACTED] referred to two surveys that were recently conducted, one by CLEAT and one by an outside group that was actually ongoing when this investigation began. Less than half of the PPD employees responded to the questions generally referred to as a Climate Survey. Ms. [REDACTED] described the latest survey as "harsh" with regard to Chief



██████████ Having no way to evaluate the efficacy of either survey, it appeared that they were venting tools rather than searches for recommendations and solutions. With the less than half of employees who responded, there were notable takeaways:

- 1) Low morale.
- 2) High turnover rate for officers.
- 3) Very negative interviews focused on Chief ██████████ similar to comments made by Sgt. ██████████ ██████████ and others within the leadership structure of PPD.

One solution is to simply start firing the Command team and start over with new leadership. In this instance the PPD has already shown a poor response to change in any dynamic. It would also do a real disservice to senior leaders who have strived diligently to take the PPD into the 21st century. The most effective solution for PPD is training, for all officers at all levels, so as to invest in the institutional knowledge that officers and staff already possess, invest in the future success of the senior leaders on-board, and the potential for future senior leaders coming from the current rank and file police officers. It is abundantly clear that the entire Pflugerville Police Department, at all levels, would benefit from training tailored to the size and needs of the department.

Recommendations

- 1) Training – Recommend this be assigned CMDR ██████████ to coordinate and implement, in view of his large police department experience.**

Leadership in Police Organizations (LPO) is the flagship leadership development training program from the International Association of Chiefs of Police (IACP). Agencies can host an LPO program with attendance limited only to their agency. Given the numerous examples already documented regarding the lack of Chain of Command effectiveness, this is absolutely essential for those at the first line supervisor and above. Additional details will be provided to CMDR ██████████ to facilitate contact with IACP.

Leadership Training on Recruitment and Retaining Female and Minority Officers

Currently Pflugerville has 8 females and 3 African Americans on its roster of 90 officer positions. Changing cultures must include bringing in a more diverse population of officers that are not only recruited to PPD but also on how to retain them and develop a healthy culture and diverse Pflugerville Police Department.

- 2) LEAP**

Meetings with City Manager/City Council members and LEAP should be temporarily suspended pending completion of IACP training, which should include IACP evaluation of LEAP and identification of changes deemed appropriate to insure LEAP credibility and effectiveness.



New policies and procedures should include language that establishes a clear separation of authority between the Police Department and the City Manager/City Council. The Chief of Police is the designated person responsible for running the department, and LEAP must improve its skill sets and work with the Chief, not just with the Council. The City Manager and City Council must recognize the necessity of allowing the Chief to do her job, absent unique and exigent circumstances requiring removal for cause. The current open-door policy for officers, LEAP or otherwise, to engage with the City Manager and City Council is unique among most city governments and has led to LEAP no longer meeting with its own Command Staff and Chief, but circumventing the Chain of Command within the Police Department. This has further diminished the ability of the Department to have consistent expectations of officers to bring issues to senior leaders, and undermines the ability to have problem solving within the Department. As an "At Will" organization, this up and down communication is absolutely essential in building trust within the Department.

3) Personnel Accountability

Given the voluminous amount of evidence that supports a finding of Hostile Work Environment, Gender Bias and Discrimination by Sgt. [REDACTED] Sgt. [REDACTED] Sgt. [REDACTED] CPL [REDACTED] and Dispatcher [REDACTED] in targeting Officer Alicia Fitzpatrick, undermining senior leadership, insubordination for disobeying direct orders to cease and desist from senior ranking officers, and lying to the Investigator hired by the City Manager, the blatant and egregious conduct of Sgt. [REDACTED] must be addressed. Comparable misconduct, atrocious judgement, and behavior at such an unacceptable level has serious consequences in all police departments, and should not be tolerated from a Sgt. of the Pflugerville Police Department. It is therefore strongly recommended that Chief [REDACTED] consider all or a combination of penalties specifically: termination for lying to an Investigator, or reduction in rank and suspension without pay, a written reprimand in his personnel file, or any combination thereof, for conduct unbecoming a Sgt. of the Pflugerville Police Department.

Sgt. [REDACTED] for his support of targeting Officer Fitzpatrick with Sgt. [REDACTED] belittling Officer Fitzpatrick in front of other officers, atrocious judgement, and conduct unbecoming a Sgt. of the PPD, which contributed to the Hostile Work Environment, it is strongly recommended that Chief [REDACTED] consider all or a combination of penalties specifically: reduction in rank, suspension without pay, written reprimand in his personnel file, or any combination thereof.

Sgt. [REDACTED] for his atrocious judgement in assisting with the targeting of Officer Fitzpatrick which contributed to a Hostile Work Environment, it is strongly recommended that Chief [REDACTED] consider all or a combination of penalties specifically: reduction in rank and suspension without pay, a written reprimand in his personnel file, or any combination thereof for his conduct unbecoming a Sgt. of the PPD.



CPL [REDACTED] for his atrocious judgement and obvious bias in assisting with the targeting of Officer Fitzpatrick which contributed to a Hostile Work Environment, it is strongly recommended that Chief [REDACTED] consider all or a combination of penalties specifically: reduction in rank and suspension without pay, a written reprimand in his personnel file, or any combination thereof for his conduct unbecoming a CPL of the PPD.

Dispatcher [REDACTED] [REDACTED] for her violation of the Chain of Command and inappropriate text to Sgt. [REDACTED] which contributed to the assault on Officer Fitzpatrick's credibility, it is strongly recommended that Chief [REDACTED] consider a written reprimand in her personnel file, and insure that Chain of Command training is completed.

Without exception, this finding of Hostile Work Environment, Gender Bias and Discrimination, is an indictment of unacceptable and atrocious conduct by the perpetrators within any organization. It is even more egregious when senior leaders take steps to mitigate and diffuse such conduct only to have direct orders disobeyed by the very officers who are entrusted with leadership positions, with no repercussions. This despicable conduct should never be tolerated in any organization, and senior leaders must insure that extreme misconduct be met with comparable accountability and consequences, to insure this behavior is never repeated or tolerated in the Pflugerville Police Department.

Included reference Materials:

Women in Policing: Breaking Barriers and Blazing a Path; NIJ.OJP.Gov

National Institute of Justice –

<https://www.ncjrs.gov/pdffiles1/nij/252963.pdf>

Recruiting & Retaining Women, A self assessment guide for Law Enforcement;

National Center for Women & Policing -

<https://www.ncjrs.gov/pdffiles1/bja/185235.pdf>



Appendix A

TO: The City of Pflugerville
FROM: Officer Alicia Fitzpatrick [REDACTED]
DATE: October 22, 2020
RE: Statement of Concerns

“When I opted to join the Pflugerville Police Department, it was due to the fact that it was a department that promoted a progressive atmosphere; one that supported its officers, made it acceptable to talk about mental health, and okay to be human. For the most part, my experience as a member of this Department has been in alignment with all of each of those philosophies. However, I have come to discover that there is also a dangerous and intense subculture that persists at this Department—a belief system harbored by a cadre of male officers who contend that female officers receive preferential treatment for promotions and are not subjected to the same disciplinary consequences as their male counterparts. I was first introduced to this subculture when I applied to be a K9 Handler for this Department. To be honest, I was stunned by the comments and discouraging remarks that were made regarding my ability to fulfill the duties and responsibilities of the K9 Handler position. A lot of disparaging comments were made about my physical stature. I also heard complaints that it didn’t matter if I was the best qualified person for the job, I would get it because I’m “a female and that’s just how this Agency works.” The rumor mill and the negative comments became so pervasive and unsettling that I submitted a memorandum requesting to withdraw my name from consideration for the K9 Handler position. At the time I submitted my letter, I did not explain the reasons for my decision. I simply stated that I no longer wished to be considered for the position. After receiving my letter, Lt. M. [REDACTED] reached out to me and told me he would not accept my withdrawal until I met with him in person. When I spoke with Lt. [REDACTED] I spoke in generalities. I voiced my concerns without providing succinct details or disclosing the identity of the officers who were responsible for the negative comments. My intent was not to get



anyone in trouble, but solely to determine if the position was going to be worth the headaches, and to evaluate the drama and problems I would be inviting into my life if I was selected for the position. I left Lt. [REDACTED] office feeling supported, encouraged and determined that I should not let a handful of negative people impede my career goals. I decided to continue going to K9 training and to sit for the K9 board.

I sat for the K9 board and was ultimately selected for the position. After earning the position, I continued to be bombarded by negative comments, such as, "We all know you only got the position because you're admin's favorite and a female handler makes the Department look good." However, I opted to handle these issues on an officer to officer level. In most instances, my fellow officers were apologetic, and I genuinely thought we were finally moving past the uproar.

A few weeks after the board, it came to my attention that Sgt. T. [REDACTED] had taken it upon himself to speak with Officer J. [REDACTED] (a competing applicant on the K9 Board) about the results of the board. I was informed that Sgt. [REDACTED] told Officer [REDACTED] that the Board had actually selected him, and that he should have received the position. Sgt. [REDACTED] went on to tell Officer [REDACTED] that the Department's Administration ignored the Board and selected me. It was clear to me that Sgt. [REDACTED] comments were solely intended to alienate me from my peers simply because I was attempting to advance my career. Sgt. [REDACTED] was seemingly trying to recruit Officer [REDACTED] into the negative subculture of our Department; the one that believes female officers are afforded preferential treatment because this Department has a female Chief and a female Commander. I was deeply concerned about Sgt. [REDACTED] behavior, but I decided not to address it directly. I hoped that, over time, my hard work and job performance would speak for itself.



A few days later, Officer C. [REDACTED] confided to me that he was having difficulty with Sgt. [REDACTED] and Sgt. R. [REDACTED] the shift sergeants over the shift he was on his third phase of FTO. Officer [REDACTED] described several incidents of being yelled at and belittled by Sgt. [REDACTED] and Sgt. [REDACTED]. Officer [REDACTED] also shared his frustration with having his reports continually being rejected without receiving much assistance in fixing them. He told me that the culminating event occurred when he was sitting in patrol, with seven or more rejected reports, and his FTO and both Sgt. [REDACTED] and Sgt. [REDACTED] had left for the evening, informing him he could not leave until his reports were corrected. It was at this point that Officer [REDACTED] confided in me that he felt so discouraged that he was trying to decide whether or not he wanted to continue working at this Department. I asked Sgt. [REDACTED] (my sergeant at the time) to meet with Officer [REDACTED] and see if there was anything that could be done to help him. After listening to the manner in which Officer [REDACTED] was treated, Sgt. [REDACTED] expressed that he also harbored concerns about the treatment. He helped Officer [REDACTED] with his reports and met with Sgt. [REDACTED] the following day to express his own concerns. Officer [REDACTED] was ultimately moved off of Sgt. [REDACTED] and Sgt. [REDACTED] shift. I spoke up for Officer [REDACTED] and I have no doubt that Sgt. [REDACTED] and Sgt. [REDACTED] learned of my actions. I was later informed by Officer [REDACTED] that Sgt. [REDACTED] and Sgt. [REDACTED] sarcastically referred to me as, "the little princess" in front of their entire shift during a briefing. Again, I did not say anything to anyone about their comments. I feared that they would simply increase their harassment if I complained. I simply wanted to focus on my work and let my performance reflect my capabilities. I never reported anything, but that does not mean I was not paying attention or that I wasn't affected by their behaviors.



A few weeks passed and Sgt. [REDACTED] called me into his office to speak with me. I was informed that Sgt. [REDACTED] reviewed a video of a DWI call that I was on. I was the cover officer, not the primary officer on this call. Officer A. [REDACTED] discovered the female subject asleep behind the wheel of her parked car in a parking lot. SFSTs were conducted and the female was determined to be intoxicated. Officer [REDACTED] was unsure if this situation met the elements of the offense of DWI and solicited my advice on what he should do. I explained to Officer [REDACTED] that the situation met the elements of the offense of DWI. I went on to say that, if it were me, I would check her criminal history, and if she has ever been arrested for DWI before, I would arrest her. I went on to say that if she didn't have a prior DWI, I would call her a ride. I explained that I would do this because it will be a very hard fought Class B Misdemeanor that will automatically get deferred adjudication. Officer A. [REDACTED] and I had been speaking between ourselves quite a bit about arrest discretion and that just because you can make an arrest, doesn't always mean you should. My preferred approach to policing, and how I handle a majority of my calls, is to attempt to look at the big picture, the strength of the case, and the residual impact of arrest on the person's life. In this case, Officer A. [REDACTED] decided that mercy should be shown, and the female was permitted to call a ride and was ultimately released from the scene. Sgt K. [REDACTED] was on duty during this decision, and was aware of handling.

I was informed that Sgt. [REDACTED] reviewed this video, was irate that we did not make an arrest, and accused us of dereliction of duty. I was also told that Sgt. [REDACTED] primary gripe was focused on me because I provided the advice to Officer A. [REDACTED] that was not in alignment with arrest. Sgt. [REDACTED] informed me he and Sgt. [REDACTED] watched the video and had no issues with any of the decisions that were made on scene. I was also told that Sgt. [REDACTED] was going to tell Sgt. [REDACTED] that he intended to take no disciplinary action against me, but that didn't necessarily stop



Sgt. [REDACTED] from making a formal Internal Affairs complaint alleging dereliction of duty. I expressed my concerns with this entire situation. I wanted to know why Sgt. [REDACTED] was suddenly reviewing my videos and making disciplinary complaints that were inconsistent with how my direct sergeants deemed it appropriate to handle the situation. Ultimately, I learned that Sgt. [REDACTED] was directly asked why he was watching my videos. Apparently, Sgt. [REDACTED] told Sgt. [REDACTED] that he watched this particular video because Sgt. [REDACTED] thought the call notes "looked funny" and he purportedly asked Sgt. [REDACTED] to look into it.

Approximately two weeks went by and when I came in to work Sgt. [REDACTED] told me that Lt. [REDACTED] wanted to speak with me, but that he didn't know why. I ultimately discovered that Lt. [REDACTED] wanted to speak with me about yet another complaint being lodged against me by Sgt. [REDACTED]. I was told that Sgt. [REDACTED] had reviewed another one of my videos. In this particular case, I again wasn't the primary officer. A vehicle was found wrecked into the grass off of Wells Branch Parkway. The vehicle was occupied and the driver was determined to be intoxicated; Officer J. [REDACTED] was the primary officer on scene. I was the second officer on scene. I walked up to the car and observed the driver asleep behind the wheel. I also witnessed several open containers of Modelo brand beer in the vehicle. I laughed and commented something to the effect of, "Modelo strikes again." At the conclusion of Officer J. [REDACTED] investigation, he decided he wanted to allow the driver to call for a ride. I cautioned Officer [REDACTED] against this action, and told him something to the effect of, "There's a sergeant watching our videos who isn't ours." I explained that I had almost received an IA for calling a ride for someone who had been drinking the previous week. I recommended that Officer [REDACTED] call Sgt. [REDACTED] and get approval." In my discussion with Officer [REDACTED] I never mentioned Sgt. [REDACTED] name. Officer [REDACTED] reported that he received the okay to call the subject a ride. During the call, Officer [REDACTED] and I were standing on scene talking to



one another. We are discussing the fact that we weren't totally in agreement with calling the person a ride, because the nature in which the subject was found was rather egregious. I believe I used the word "ridiculous." I subsequently explained to Officer [REDACTED] the predicament I was placed in at the behest of Sgt. [REDACTED] the previous week because of a similar call. Lt. [REDACTED] explained to me that the joke I made when I walked up to the care about Modelo was inappropriate and unprofessional, and that Sgt. [REDACTED] approached him directly accusing me of insubordination.

Admittedly, I became extremely angry when I learned about this second complaint. I had finally reached my breaking point with Sgt. [REDACTED] treatment of me. I did not say anything untrue about the complaint Sgt. [REDACTED] lodged against me, and I wasn't the only officer on scene joking about the circumstances of the call. I asked Lt. [REDACTED] why Sgt. [REDACTED] was continually reviewing my videos and looking for various things to request that I be sent to IA or written up. Lt. [REDACTED] then informed me that Sgt. [REDACTED] was in charge of reviewing all DWI videos. I was confused by this, because a few short weeks before this, Sgt. [REDACTED] was asked why he was watching videos, and he didn't say that he is supposed to be reviewing all DWI videos. Instead, he contended that he watched my video at the request of Sgt. [REDACTED] who conveniently, was no longer employed at the Department at the time all of this became known.

My conversation with Lt. [REDACTED] was my absolute breaking point regarding Sgt. [REDACTED] derogatory comments and being the subject to push the well-known agenda of the subculture at this Department forward. It then became clear to me that Sgt. [REDACTED] was not going to stop trying to get me in trouble in an attempt to further his narrative that female officers receive preferential treatment.

After my conversation with Lt. [REDACTED] for the first time in my career, I requested to leave work. I was so angry and uncomfortable with everything that was going on, I needed time to



think. I went home and reflected on the things I cautioned my coworkers against regarding Sgt. [REDACTED] in the video, and I came to the conclusion that although true, it was not the most professional thing to say. Despite reaching that conclusion, I also began to question a lot of things. I began to question why Officer [REDACTED] wasn't being accused of dereliction of duty for calling a ride for his intoxicated driver, when I was accused of dereliction of duty for making a similar decision. Why wasn't Officer [REDACTED] in trouble for openly laughing over the police radio when the driver took an extended amount of time to get out of the car because of his intoxicated state, but my comment about Modelo was deemed as egregiously inappropriate? I began to question why other people are allowed to make jokes and express opinions, but it's a problem when I do it? I decided to write Lt. [REDACTED] an email and explain some of the things I had been experiencing since putting in for K9. I also felt that it was important for me to share some of my concerns regarding Sgt. [REDACTED]. I did not receive a response from Lt. [REDACTED] but instead was contacted by Internal Affairs, and notified that I was listed as a witness in an Internal Affairs complaint filed by Lt. [REDACTED] alleging Sgt. [REDACTED] and Sgt. [REDACTED] for making derogatory comments about me and thereby creating a hostile work environment.

As hard as it is for me to admit this, the way I have been treated has severely affected me. It has affected my stress level, my confidence and my motivation to continue to be the proactive officer that I am. I do not want to be used as a pawn to try to prove Sgt. [REDACTED] agenda that females receive preferential treatment at this Department. I believe Sgt. [REDACTED] has targeted me and held me to a different standard solely because I am a female. I believe that I am being subjected to hostile work environment based upon the fact that I am female. I believe that Sergeant [REDACTED] and the officers who share his opinion have denigrated and defamed my ability and my character because I am female. I believe that Sgt. [REDACTED] has attempted to rally male officers against me



and alienate me from my peers. Although it still remains unclear to me why Sgt. [REDACTED] is reviewing my videos, and when he was directed to review all DWI videos, I would be curious to know how many male officers (as opposed to female officers) he has reported and/or instituted formal complaints against for actions he observed on DWI scenes during his video reviews. It concerns me that a Sergeant in this Department would refer to a fellow officer, especially one with whom he has never worked, as “a little princess.” Why is this same Sergeant afforded unfettered access to Watchguard videos, when it is clear he does not have the ability to separate his personal agenda and biases from his supervisory powers and discretion.

Finally, I simply ask that I be allowed to be a cop who is treated no differently than my peers, whether they be male or female. I ask that I be judged and disciplined in the same manner as male officers, by all members of this Department, and not subjected to disparate treatment solely because I am “a female officer.” I do not view myself as female officer. I am simply an officer with the Pflugerville Police Department—and that’s it.

I would ask that the actions, words, and motives of Sgt. [REDACTED] be thoroughly reviewed to ensure that no other officer is subjected to this type of treatment. No officer should be made to feel that they have to leave work or that they aren’t wanted in this Department because of their gender. I would ask that their actions be thoroughly reviewed to ensure they are capable of separating their personal bias and agendas from their supervisory power, and I would ask that if they are unable to separate the two, that they are not permitted to remain in positions where they have access to continue to target me and treat me differently than my male counterparts.”

The above is the formal statement I provided to Internal Affairs in May of 2020 regarding the hostile work environment investigation against Sgt. T. [REDACTED] I was advised on July 17,



2020 by Detective T. [REDACTED] via Department email, that the “allegations were determined to be false or not factual therefore the case is being closed and classified as: UNFOUNDED.”

When I received notice of this Internal Affairs decision, I was then awaiting a subsequent investigation for being dishonest. I felt that the nature of the complaint was black and white, either the aforementioned occurred and Sgt. [REDACTED] should be held accountable, or I lied and I should be held accountable. However, no investigation was brought against me purporting that I was dishonest in any of my allegations; however, they were somehow determined to also be untrue; which left me confused.

On October 21, 2020 I received a phone call from my direct Sergeant, Sgt K. [REDACTED] Sgt. [REDACTED] advised me that he received an email from Sgt. T. [REDACTED] that had Lt. K. [REDACTED] and Lt. J. [REDACTED] copied on it stating something to the effect of, “upon review of this case, I found that this was an LTS collision with a possibly intoxicated driver, and no offense report or crash report were completed.” I then reviewed the Case Number: [REDACTED] with Sgt. [REDACTED] The summary is as follows:

On October 07, 2020 at approximately 2332 hours, I was dispatched to [REDACTED] Court in reference to a collision leaving the scene. When I arrived on scene, I observed a large amount of fencing which was destroyed and all over the roadway; the fencing was clearly struck by a vehicle. Witnesses on the street described the suspect vehicle as a small white single-cab Ford pickup truck. I met with the fence owners who lived at [REDACTED] Court and advised that I would need them to sign a Citizen’s Request for Criminal Complaint indicating they would like to pursue charges for the damages the driver caused to their fence and for leaving the scene of the accident. The victims were hesitant to do this, and felt uncomfortable with that decision being in the purview of a citizen. I explained that as a representative of the State, I could not pursue a



property crime on their behalf, because it is not my property. I explained if they were not comfortable pursuing charges, I can attempt to locate the driver, and see if they will agree to do the right thing and provide their insurance information. The victims stated they would rather go that route, and did not want anyone to be arrested. Around this time, I received notification that Officer B. [REDACTED] believed he located the suspect vehicle parked in the driveway of [REDACTED] Spring [REDACTED]. I was further advised the vehicle was parked in a driveway and unoccupied, but did have pieces of fence on the hood. I advised the victims that I was going to go attempt to make contact at the residence where the vehicle was. When I arrived at [REDACTED] Spring [REDACTED] I knocked on the door and made contact with a female. The female advised the suspect vehicle was hers, stated she was driving it, and admitted to crashing into the fence and leaving. I then instructed Officer T. [REDACTED] to detain the female, so I could attempt to make contact with the residents of [REDACTED] [REDACTED] Drive; their fence was also damaged, and I was hoping since we now located the suspect, they would sign a Criminal Complaint so I could effect an arrest for the Collision LTS. I made contact with the residents of [REDACTED] drive, and had them survey the damage. These residents also advised that they did not want to sign a criminal complaint. The residences were very carefree in their attitudes regarding the fence damage. The victims jokingly stated they needed a new fence anyway, and that the replacement cost of the fence would be less than their deductible for their homeowner's insurance. All parties ultimately decided, they just wanted the insurance information from the suspect vehicle and driver. I was then advised, that a male party exited the residence of [REDACTED] Spring [REDACTED] Drive who had slurred speech, was "freshly showered" and appeared to be intoxicated. The female who was detained and previously admitted to being the driver, was now stating that the male was driving and told her to lie to the police and say she was driving. Throughout questioning by Officer T. [REDACTED] and Officer B. [REDACTED] the male



maintained he was not driving, and that the female was operating the vehicle when it struck the fence. There was no third party corroborating witness to identify that gender of the driver of the suspect vehicle to tie an actual driver to the vehicle. Due to this, there was not enough probable cause developed to effect and arrest for suspicion of Driving While Intoxicated. The victims of the fence damage did not want to pursue charges despite my multiple attempts to encourage them to do so. It should also be noted, I informed both sets of resident/victims that there is a possibility that the vehicle insurance will not cover the damage to the fence, and if they choose to not pursue criminal charges, then the matter becomes civil, and will be an entire argument between insurance companies, and the police will no longer be involved. The victims did not seem concerned by this, and stated again that they just wanted the vehicle insurance information. The suspect vehicle insurance information was given to the victims as well as the female suspect listed as the driver, as she is the one who admitted to driving, although recanted her statement later. Due to there being no complaining victim, and not enough probable cause able to be developed to effect an arrest for DWI as the driver could not be confirmed, the call was closed with CAD notes and a police report was not completed because there was no crime. A CRASH report was also not completed; as at no time did any of the victims propose an estimated monetary amount of damage to their fence to indicate that it would be over \$1,000. I should also note, that I have no training or experience in fence estimation, and have never replaced a fence myself, so I have no idea how much it would cost to repair the damages to the fence. I stand by the decisions I made on scene, and my direct Sergeant, Sgt. K. [REDACTED] was on scene, aware of the decisions, and in agreement with them as well.

When I became aware that Sgt. [REDACTED] reviewed this case and had submitted a complaint via email about it, I became concerned for many different reasons. First and foremost, this call had



no element where CID would be involved. I conducted a Spillman Search and I could find no CAD Card or involvement with the suspect vehicle, either of the addresses, or any of the persons involved, that would have explained how Sgt. [REDACTED] came across this call. Furthermore, Sgt. [REDACTED] has previously purported that he reviews all DWI cases; there was nothing placed in the CAD notes regarding intoxication by any party as intoxication was not an offense where probable cause was able to be developed; therefore it was an irrelevant matter. Additionally, the bodyworn camera footage of any officers on this scene is not attached to the call for service number because no report was taken. So, that leaves me with the assumption that Sgt. [REDACTED] is again reviewing my videos for no other reason that can be proposed, other than to look for things he can forward complaints about. In the previous Internal Affairs Investigation, I requested that the number of my videos that Sgt. [REDACTED] is reviewing be looked into; I do not think this occurred. I was told by Lt. [REDACTED] at that time, that Sgt. [REDACTED] is a sergeant at this department, and therefore has unfettered access to review any video that he wants.

However, I believe at this time, there have been enough instances where Sgt. [REDACTED] has reviewed my videos for unclear reasons, and attempted to draw complaints or concerns about my conduct and case decisions, that have been unfounded by my direct supervisors, to warrant concern. I am left with the belief that Sgt. [REDACTED] continually engages in this behavior to cause stress to me, and that the behavior is retaliatory and harassing in nature.

In furtherance of this, I believe that the City of Pflugerville was provided the opportunity to mitigate this behavior and act to prevent further incidences such as these during the initial Internal Affairs Investigation, however they failed to do so. This failure on behalf of the City of Pflugerville, has caused me to again be subjected to undue stress and a continued hostile work environment created by Sgt. T. [REDACTED] I would ask at this time that the City of Pflugerville,



take appropriate and preventative measures to prohibit Sgt. T. [REDACTED] from reviewing any of my Watchguard Videos, and prohibit him from being involved with any matters of which I am also involved in. I believe that through all of the aforementioned; it has been clearly demonstrated by a continual pattern of behavior, that Sgt. T. [REDACTED] is not going to cease his harassing and hostile behavior toward me. I am asking at this time, that the City of Pflugerville take swift, appropriate, and firm action to prevent further harm from being done, and to prevent me from being subjected to further undue stress at the behest of Sgt. T. [REDACTED]

As a final note, and as I have requested before, I would like to be able to come to work, complete my duties, and go home, without having to spend hours defending myself against frivolous allegations from Sgt. T. [REDACTED] regarding conduct where it is repeatedly determined that there was no wrongdoing on my part.

Sgt [REDACTED] has never been my direct supervisor, he is not assigned to the patrol division, and I am at a loss as to why he is continually allowed to abuse his position of power that allows him to have unfettered access to Watchguard, where is provided with continual opportunities to target me. I am thereby demanding that the City of Pflugerville take immediate action to cease this behavior from continuing to occur.

A.Fitzpatrick [REDACTED]



[REDACTED] - Open Records Request

Message History (2)

✉ On 10/22/2020 8:39:45 PM, City of Pflugerville's Open Records Center wrote:



Dear Alicia Fitzpatrick:

Thank you for your interest in public records of the City of Pflugerville. Your request has been received and is being processed in accordance with Chapter 552 of Texas Government Code, the Public Information Act. Your request was received in this office on 10/22/2020 and given the reference number [REDACTED] for tracking purposes.

Records Requested: "From the timeframe of July 01, 2019-October 22, 2020:

Any and all emails sent from or to [REDACTED] that contain the words or any combination of the words: "Alicia, Alicia Fitzpatrick, Officer Alicia Fitzpatrick, Officer A. Fitzpatrick, AF, [REDACTED] retaliation, hostile work environment, female, little princess, K9, K-9, canine, board, Case Number [REDACTED] Case Number [REDACTED] Case Number [REDACTED]"

Any and all Spillman CAD Messages sent to or from [REDACTED] that contain the words or any combination of the words: "Alicia, Alicia Fitzpatrick, Officer Alicia Fitzpatrick, Officer A. Fitzpatrick, AF, [REDACTED] retaliation, hostile work environment, little princess, female, K9, K-9, canine, board, Case Number [REDACTED] Case Number [REDACTED] Case Number [REDACTED]"

Your request will be forwarded to the relevant City department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question.

PLEASE NOTE: The Texas Public Information Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Open Records Center.

City of Pflugerville

To track your request and respond, visit the [Open Records Request Center](#), then click on "View My Open Records Requests."

