



ICMS #: 2020-1282

August 12, 2020

**Complaint:** Sergeant [REDACTED] submitted an online complaint to the Office of Police Oversight alleging the following:

“On or about [REDACTED], Lt. [REDACTED] ordered Sgt. [REDACTED] to annotate false times on her Officers time sheets for the week of [REDACTED] and week of [REDACTED]. During these two weeks, the Officers were working overtime assignments on Mobile Field Force Bravo shift, 3pm-1am for the protest. Also during this time period, the Officers were sometimes released from their shifts early. Sgt. [REDACTED] was asked to make the changes three weeks after the Officers time sheets and overtime sheets were submitted and signed. Lt. [REDACTED] advised that the Officers were paid for 10 hours of overtime, but were released early. The hours that the Officers were released early totaled 6.25 hours for each Officer over the two week period mentioned above. Lt. [REDACTED] ordered Sergeants [REDACTED], [REDACTED] and [REDACTED] to pull their Officers time sheets for the period mentioned above and annotate times on those sheets that would cover the 6.25 hours. Lt. [REDACTED] instructed the Sergeants to use times such as TLC or VAC. Lt. [REDACTED] further stated that if the Officers spent time getting organized or texting with each other in order to figure out where they needed to be for the protest that could time counted as productive time. Lt. [REDACTED] sent Sgt. [REDACTED] an excel spreadsheet reflecting the days and hours the Officers worked and further indicated the type and amount of leave he ordered the time sheet to be changed to. Sgt. [REDACTED] spoke with her Officers to find out if any of them teleworked or actually worked during the above-mentioned time period. Her Officers told her they did not telework and neither of them put in for vacation during that time. Sgt. [REDACTED] did not feel comfortable putting fraudulent times on the time sheets for fear of an Internal Affairs investigation being opened and she would either be indefinitely suspended or fired. Sgt. [REDACTED] would have to change six time sheets, which would be six violations and six allegations against her. On [REDACTED], Lt. [REDACTED] asked Sgt. [REDACTED] if she completed the changes on the time sheets. Sgt. [REDACTED] informed him that she did not make the changes, she only had the Officers make up the 6.25 hours over a two week time period, to which the Officers did. Upon hearing this, Lt. [REDACTED] became upset and replied, "I gave you marching orders and you did not follow them!" He then instructed Sgt. [REDACTED] to write him an email stating what she did, why she did it, and why she did not change the time sheets as she was ordered to do. Lt. [REDACTED] said he was going to forward that email to the Commander.”

Sergeant [REDACTED] alleges that she was given an illegal order and when she took her concerns to her Commander [REDACTED], she was not listened to. Sergeant [REDACTED] additionally alleges that her COC wanted to give her a Conduct Counseling Memorandum for refusing to follow an order. Sergeant [REDACTED] states that she refused to sign the Conduct Counseling Memo because the order was illegal. Sergeant [REDACTED] further alleges that when they attempted to give her the Conduct Counseling Memorandum they stated that the COC did not want to file an Internal Affairs



complaint against her for disobeying an order. Sergeant [REDACTED] believes that her COC wanted to prevent this complaint from going to Internal Affairs to protect her Lieutenant.

*This notice of formal complaint is a request for Internal Affairs to initiate an investigation in order to determine if the employee conduct is within compliance of APD policy, Civil Service Rules, and Municipal Civil Service Rules.*

**Recommended Administrative Policies to Review (to include but not limited to):**

**900.1.1 RESPONSIBILITY TO KNOW AND COMPLY**

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

**900.2.2 RETALIATION PROHIBITED**

Employees will not, in any way, cause or conspire to cause retaliatory action against any individual who has been involved in any such investigation or subsequent proceeding as a defendant, complainant, witness, victim, investigator, or any other capacity. While the Department wishes to avoid reassigning an employee while a complaint or grievance is being investigated, this order does not prohibit the Department from doing so, including the complainant/victim, while the complaint or grievance is under investigation should an assistant chief determine that a reassignment is in the best interest of the Department and/or the employee.

**900.3.1 HONESTY**

Honesty is of the utmost importance in the police profession. Employees are expected to be truthful at all times in the performance of their duties.

**Recommended Classification:** *The OPO is permitted to make a preliminary recommendation on the classification of administrative cases.*

***The OPO recommends an A classification for this allegation.***