

November 20, 2009

Donna Shields

DPS EEO /AA Investigator - Coordinator

Investigator Shields,

I am Officer Joseph P. Wilson (Badge# 7150). I have been assigned as an officer to District III, in Teec Nos Pos, Arizona. I would like to file a formal complaint with the DPS Equal Employment Opportunity/ Affirmative Action (EEO/AA). This in regards to a violation of the DPS EEO /AA policy involving discrimination and national origin.

I would also like to send you a brief history of my career in public service. It is a career that I have been proud of serving as a soldier and law enforcement officer. I have been in public service for approximately 20 years. During my service with other law enforcement agencies and military service, I have never been subject to any corrective or disciplinary actions, or complaints from the public or working peers and supervision. Nor have I ever received a performance evaluation that has been less than standard. This could be confirmed with my AZ DPS background investigation records.

During the last year, I have been held at a higher standard than my working peers and my immediate supervisor. This is based on my experience and time as a 14 year officer (Officer Level III Entry) on the DPS lateral program. I will be sending a more detailed report of the EEO /AA policy violations; including witnesses, incidences etc...

I am a member (Census # 207-406) of the Navajo Tribe and I live and work on the Navajo reservation. This allows me a 10 % rural pay increase and State Tax exemptions. This would allow me to have a pay rate equal to a starting sergeant. It has been brought to my attention (since my earliest probationary evaluations) by my immediate supervisor that I would be held at a higher standard than my working peers; due to my time, experience and the amount of pay being received. My evaluation reviews will reflect that my immediate supervisor has not been fair and inconsistent with the standards of my working peers (Officer III) and supervisor.

I had attempted to meet with my District supervisor (Lt. Parks) to discuss my concerns, but I was not allowed to speak with him. During this time, I had been placed on administrative leave. Again, I will explain the details in my report. I feel the tactics used by my immediate supervisor have been unethical and an attempt to keep me from filing my complaint. I am contacting you for assistance and guidance to ensure this is a valid complaint.

I am submitting this resume and a reference list of my immediate supervisors and mentors to possibly allow you the opportunity to confirm my character, experience and history as a law enforcement officer.

Sincerely,

Joseph P. Wilson

The complaint would cover much of my FTO and Probationary period. I am currently on Administrative leave with pay for a fitness for duty evaluation. It was in April when it was determined that I was unfit for duty. One of the reasons I have waited to file the complaint is that I did not want the psychological results to affect the credibility of my complaint and I did not want my emotions to play a part in my report. The last nine months have been trying for me. In April I was told to use my FMLA benefits and use my annual and sick leave. It was frustrating to be told that I was unfit for duty, and not being told of the reason. I had already been in counseling for divorce / marriage therapy and began therapy for an unknown mental illness (it was determined that there was not a mental illness) with the Durango Veterans Clinic. I have completed the therapy and requested a return to duty. I have been approved to return to duty by Chief Lane. I would like to continue with my complaint. The information of my report may be out of sequence, but it is information important to the totality of the events pertaining to my complaint. I hope the information could be clarified during the interview.

The first conversation we (Sgt. Eavenson and I) had was at the Mexican Water Restaurant; approximately 30 miles west of Teec Nos Pos, AZ. Sgt. Eavenson and I had reviewed one of my earliest evaluations. This was one of the first conversations we had on my pay rate. The conversation was about an area in my evaluation where Sgt. Eavenson felt I was below standard. I don't remember it exactly, but I think it was in the area of working with my peers. I had explained that I had not been able to work with my peers because of the schedule and my teammates had taken personal vacation. I had made an effort to talk with my teammates and had a few good conversations with them. This was, only, when I had the opportunity to talk to them. We continued to review the evaluation. I was given the opportunity to explain some areas in the evaluation and Sgt. Eavenson had changed some of the scores. We talked about previous law enforcement experiences, Colorado State Patrol crashes and arrests and his experiences with the AZ DPS, and then I explained the pay advantages I had working on the Navajo Reservation and the opportunity to help my mother with the family business. Sgt. Eavenson agreed that it was an advantage working in the area and that I lived in the community. Sgt. Eavenson explained to me that I was being paid the same as he was getting paid (new sergeant pay grade). This was when he explained that he would be evaluating me at a higher standard, given my time and experience. The conversation was casual and I was not sure exactly what he meant by the comment. I did not respond,

but I remember thinking that I hope he would be evaluating me at the standard rate of all the officers (6 year officers). Sgt. Eavenson, also, explained that I needed to be a little more aggressive with my peers because he felt some of the younger less experienced officers were challenging my experience as an officer. He continued to explain that my quiet personality gives the appearance that I'm not as knowledgeable. I explained to Sgt. Eavenson that I felt it was a double-edged sword. I explained that if I came to the team expressing all my knowledge and boasting about my experience, it may appear that I was arrogant and I would still get an unfavorable opinion by the same team members that had the strong opinions. Sgt. Eavenson agreed. Again, the conversation was casual and I was not sure and concerned on how the rest of the evaluations would be graded. The evaluation ended on a good note and we had "ironed out" some of the issues in the evaluation.

*As I look back on that early evaluation, it was probably the first time I had a concerns on the way my evaluations were going to be rated. I felt comfortable that I would continue to pass my evaluations and get through my probationary period. I felt that maybe he was attempting to be a stern evaluator. If this was the case, then I expected him to be fair and firm. I would later discover that he was not fair.*

There was a point in my probationary period where my evaluation was considered below standard. I cannot remember the reasons, but I knew I did not agree. It may have been during the time when there was a problem with the radio. This was a 30 day evaluation that I was rated below standard and, later, was the first reason for extending my probationary period. Throughout my probationary period, FTO program and law enforcement career I have always maintained a professional appearance. My uniform has always been pressed and my leather gear polished. This would continue to reflect with my FTO and Probationary evaluations. My report writing skills have always been referred to as "excellent." My knowledge of Tribal laws and Federal laws has been excellent.

*This has been consistent throughout my law enforcement career.*

There was a point in my FTO training where I was trained to cite Native Americans into the State courts. This training bothered me and I addressed the issue with my FTO. My FTO (Officer Bob Martin) advised me that this was a practice that he did not agree with. He explained that some officers and supervisors felt that many tickets issued to Native Americans were being dismissed at the Tribal courts and it was better to cite them into the State court where there would be stiffer consequences (fines) and more violations to charge. Officer Martin continued to explain that if the Judge saw a citation of a Native American going through the docket she would just dismiss the citation, but if a Native American chose to pay the fine, the citation would just be processed as if it fell under the jurisdiction of the State of Arizona. My FTO felt that it was appropriate to just cite Native Americans into the Tribal Courts because it was the proper jurisdiction. I asked my FTO if he knew that it was a civil rights violation to knowingly cite Native Americans into the State Courts and he said "no." I talked with Officer Martin and asked if Sgt. Eavenson knew we were writing Native Americans citations into the States courts. Officer Martin told me that it is something that the squad had practiced and was approved by his supervision. I asked Officer Martin that this is an issue that needs to be addressed with supervision because there could be some liability issues with the Department. I am not sure if Officer Martin ever talked with Sgt. Eavenson on the issue. There was a time when I was with Sgt. Eavenson in the Red Mesa Office and I was talking to him about citations written into the State court in Kayenta. This was about the time when I was off of my FTO training. I asked Sgt. Eavenson if writing Native Americans into State Courts was something we practiced. He explained that writing Native Americans into the State courts have harder consequences to the violators than we would get in the Tribal courts. He explained that many of the tickets written in Tribal courts get dismissed anyway. He explained that if the citations reach the Judge (Kayenta Justice Court), she would just dismiss the citation. I explained to Sgt Eavenson that according to my experience in Indian Country, knowingly writing Native Americans citations into the State Court would be a violation of their Civil Rights. Sgt. Eavenson seemed surprised and explained that he did not know it was a Civil Rights violation.

*I address this issue because I always felt it was basic knowledge knowing jurisdiction issues when working in "Indian Country," especially for supervision. I was a little disturbed that the reason for citing Native American into State courts was because of penalty issues and not giving the Tribal courts the proper respect and authority. My training and experiences have taught me that our authority is law enforcement and the courts determine the penalties and punishment.*

This is another reason I began questioning the judgment and decision making of my supervisor. Toward the end of my FTO program, My FTO (Officer Andy Beck) and I stopped at the Kayenta office. Our supervisor was at the office. He was dressed in civilian clothes. Jeff explained to us that he was staying there because he and his wife were fighting and he had just left the house. He vented to us about the situation at his home. He explained that his wife was taking the side with their older daughter. He had asked his son and oldest daughter to mow the lawn and there was a disagreement on who was going to use the lawn mower. Anyway, there was argument and disagreement with his wife and he left the house and drove to Kayenta in his patrol vehicle and planned on staying at the office for a few days.

*Again, I bring this incident up because my supervisor had criticized me in my evaluation process that I was bringing my personal life into the work place. In this situation, He drove a patrol vehicle approximately 120 miles to the Kayenta office and stayed at the office for non-worked related incident.*

Shortly after this incident, I completed my FTO Training and began patrolling on my own. There was a time Sgt. Eavenson and I met along the side of the road (Highway 160 approximately 15 miles west of Teec Nos Pos) near Red Mesa, AZ. Sgt. Eavenson vented to me about his frustration with family and the squad. He felt his wife was taking the side of his daughter and he was concerned with his son at school; social studies class. He was also frustrated with the squad. He felt some of the older officers were taking advantage of him and he felt it was time for him to get harder with them. He also mentioned that his diet was causing him to get "lean and mean" rather than "fat and happy." He vented his frustration with everything including the Department (AZ DPS). He vented that he was thinking of quitting and going to work for the railroad. He explained that it pays better than the Department and is less stressful. I explained to him that maybe he should stick it out since he was close to retirement (20 years). I also explained that this (Teec Nos Pos / Kayenta area) is probably the easiest place to work as a law enforcement officer. I told him that when I was working, as a supervisor, with the Colorado State Patrol there were hundreds of accident reports to check, hundreds of DUI reports to check, many more community and court commitments, and many other supervisory tasks to complete. Sgt. Eavenson agreed that working in the northeast area was not as busy as working in other areas. We finished our discussion and continued with our day.

*I address this situation because the reasons Sgt. Eavenson used to place me on administrative leave, for fitness for duty evaluation, was because he felt my personal life was stressing on me. These were the same similar reasons he was struggling with personally in his life. This is about the time other squad members began noticing his "up and down" behavior. Many of the members felt it was a result of his use of diet supplements and fast weight loss. The behavior was forgetfulness, irritableness then calmness- like behavior, impulsive anger, and moodiness. This behavior continued throughout my probationary period.*

There were other incidences through the probationary period I would like to address, but I would need my FTI book to accurately document the incidences.

I had completed my Probationary period in February. Sgt Eavenson had extended the probationary period for 30 more days for a 30 day period earlier on, in the year, that he said I had a below standard rating. I signed my form and continued with the process. I didn't feel it was an appropriate rating, but still agreed to my evaluation.

Through my FTI and Probationary period I have always maintained a high level of professionalism and integrity. My uniform and appearance has always been clean, shined foot wear and leather gear, iron and polished uniform. This has always been consistent my entire 20 years of public service. It has always been important to me to maintain a professional appearance to the public.

During our yearly physical fitness test, I had rated the highest in my squad. This would reflect on how I maintain myself regularly, on and off duty. Through the year, I had participated in many marathons, Shiprock Marathon, Phoenix Rock and Roll Marathon, Albuquerque (Duke City) Marathon, Las Vegas Law Enforcement Marathon, and other small community runs. I have listed them in my resume to the Chief J. Lane. I was rated as one of the highest shooter in my squad with the rifle and handgun. My knowledge of weapons and weapon safety reflect in the high test scores provided by the trainers and my experience as being a range instructor with my previous law enforcement agencies. This would also reflect in the records provided by the academy and District III range officers. My evaluation would reflect that I have been quiet and reserved throughout my FTI and Probationary Period. Although there

were times I did not agree with the ratings of my supervisor, I had went through the motions of the evaluation process to complete it.

I never complained to my supervisor nor challenged his authority. Although there were areas where I felt I had more knowledge, and I offered my opinion without the appearance of arrogance.

During my last month on my probationary period, I had the highest activity of alcohol arrests, traffic contacts and citations issued than my team mates. This may be where the unusual behaviors of Sgt Eavenson came to a peak with me. At the end of my probationary period, I was given a burned wallet found by an ADOT worker, who was doing controlled burns along the fence line of the State right-of-ways. The wallet was located in an area from an accident that I had investigated a month, or so ago. I processed the "found property" according to the manual provided at the Kayenta office. There was a time when we would store the recovered property at the Many Farms office. This is where the secured lockers were located. At this time, other officers and I did not know the lockers were moved to the Kayenta Office. I traveled to the Many Farms office and noticed the lockers were missing. I returned to the Red Mesa office and placed the burned wallet into the relay box that was headed to Holbrook the following day. I will also say that I was advised by Sgt. Eavenson about the property process earlier on that same accident (a more detailed report is in the IA report). On my last evaluation process, Sgt. Eavenson told me that he was filing an internal investigation (IA) for "inefficiency as an officer" and he was extending my probation another 30 days. I asked him why he was filing an IA for such a minor incident. I explained to him that I did not know the lockers were moved to the Kayenta and that this was probably more of a training issue. I explained the whole situation to him and he explained that he had already sent the complaint to the Professional Standards Division. I asked why he did not sit and talk to me and the other officers involved about the incident. I explained to him that my experience and duty as a supervisor, in the past, was to "iron out" the issues "in house" before jumping to an internal affairs incident. An IA seemed excessive for a burned wallet with no value, especially with the time and man power involved. Sgt. Eavenson agreed but, minimized his response by saying "don't worry about it." At this time, I began to vent about the whole evaluation process. I explained that I do not understand how I could be rated "below standard" when my activity is higher than the rest of my team mates and I have done nothing less than my performances in the past. He explained that the burned wallet was an issue I should have known about (found property processing procedure). I responded by saying that it felt like a double jeopardy issue. If I'm being punished for the burned wallet issue, by my probation being extended, then it is not fair that I be investigated for the same issue in an internal

affairs investigation. I felt "inefficiency" was not a corrective action taken upon a new officer, who is still within the probationary period; there should be a pattern of inefficiency or a training issue addressed. Sgt. Eavenson responded by saying "Don't worry about it." At this point, I explained that I felt he was setting me up to fail. I remember saying "sometimes it feels like you're giving us rope to hang ourselves." I explained that I have never complained from being "called out" for duty and I have never complained on the rating process, but this just does not feel right anymore. Sgt. Eavenson responded by explaining that he did not want the department to be stuck with an officer like Irvin (Officer Irvin Begay, in my squad assigned to Chinle, 6 year officer), who still has problems with accident reports and report writing skills. We talked about the experience of Officers Begay and Smith. Sgt. Eavenson explained that he had to help Officer Smith with a simple one vehicle roll-over (fatality) and a one vehicle crash (suicide attempt near Kayenta). These crashes all occurred during my probationary period. Sgt. Eavenson explained that the officers had problems with their diagrams and narratives, report writing skills and basic information that six year officers should already know. These two officers are 6 year officers with the Department. Sgt. Eavenson also explained that officers assigned to this area do not have the experience of the mainstream highway patrol. I asked "Why are you hard with me?" "You have always complimented me on my accident reports and report writing skills." Sgt. Eavenson agreed and said "Yeah, I'm going to have to be harder on the other guys." Sgt. Eavenson continued by implying that my personal life began to affect my job. I explained that, although my life collapsed (divorce, and family business going under) while I've been with the AZ DPS, I have never let it affect my job. I explained that I had observed officers going through the same problems and, I feel, I did the appropriate measures to deal with it. I went to the Employee Assistance Process, enrolled in marriage/ family / divorce therapy, attended therapy with the Veterans Hospital, assigned myself goals, participated in marathons and social events. I have never turned to the use of alcohol or other distractions. I say this because I have seen this pattern many times in law enforcement and civilians. I knew I was working through my own problems the best I could through the training I had as a supervisor and officer in law enforcement. I did not let my personal problems affect my work. Sgt. Eavenson then explained that he felt I lied to him earlier in the year. He said "You probably don't know, or remember the time." He explained that I asked for a day off to help my mother with the family business. The family business was crumbling and we were desperate to keep the business above water. He continued by saying that when he approved my day off, he discovered that I didn't do what I actually asked for; the reason for the day off. I replied by saying that I have never lied to him. I told him that if he thought I was being dishonest, he should have confronted me about it and not let it "linger on" creating doubts with my integrity. He



explained that he did not feel I lied to him, but he felt I was being dishonest. I reassured him that my integrity is the most important thing to me in this job and I am not going to lose my integrity at any cost. We talked about other officers (Rusty Smith) and integrity issues relating to them and we talked about our past experiences in law enforcement. Sgt. Eavenson then explained to me the specific assignment for my next 30 days. At this time, I felt that I was being set up to fail the probationary period. I explained this to Sgt. Eavenson. I told him that I'm going to take the assignment with me home and review it, but right now I feel like I have been doing what has been required by the evaluation standards. The assignment required me to stay away from the Red Mesa Office and other restrictions. The reason for the Red Mesa office was that it was distractive to my work (supervisor opinion). I have many relatives working at the Red Mesa office as management directors, nurses, and hospital staff and he felt it was distracting me. The conversation became frustrating for me and I began to feel that, as hard as I had tried not to let my personal life affect my work, my supervisor was now using it as a reason to affect my evaluation. I felt this was the reason for possibly revoking my probation. I did explain an incident where my house had been littered by toilet paper and the harassing of the boyfriend of my ex-wife had started weighing on me, but was not affecting my job performance. I then explained that I still felt I was being set up to fail, and combined with the IA investigation and maybe it was an option for me to resign. Sgt. Eavenson explained not to worry about the IA investigation or the specific assignment.

*This is the when I began disagreeing (signed on the evaluation papers) with the evaluation process. The example of my supervisor did not reflect on how he was evaluating me. I went home to review policy and prepare a memorandum request for being placed off of probation. Everything (the evaluation process) was unfair and I felt DPS policy could not possibly support this behavior.*

I will explain a about my personal information. My wife filed for divorced while I was at the advanced academy, in Phoenix. It was not something my kids or I, were prepared for. I followed through with the divorce when I returned home from the academy. There was no discussion of therapy for the children or counseling to fix the marriage. My wife had sought the companionship of another man while I was away. One of the agreements we had, was that I keep the house; in Cortez, Colorado. We agreed that since the children were in school, and until she finds a new home, we would not expose our children to our boyfriends or girlfriends, in the house. Over the past months, the agreement was not honored. There was a time I stopped by my house to deliver a check for my children's swim practice and I stopped by my house. As I walked to the front door, it was answered by the boyfriend. I was in uniform and I

told him to leave. He became antagonistic and arrogant, but left without an incident. A short time later, I met (Highway 160 at the truck stop, near Towaoc, Colorado) with Sgt. Eavenson and told him of the incident.

*This was the incident Sgt. Eavenson used to place me on administrative duty for a psychological evaluation.*

I began my second thirty day probationary extension. My activity remained higher than my squad members. I had met with Sgt. Eavenson at Kayenta and we had dinner at the Subway restaurant. We talked about my activity and I informed that I would continue with the 30 day extension and that the therapy sessions (Navajo Happy Families and VA therapy), I was attending, were going fine and was helping with my family issues. It was brief and I continued with my patrol activities. I had received emails from Sgt. Eavenson advising me of the IA interview. In the memorandums, he advised me that he would be conducting the IA interview. I had remembered that reading through the DPS manual, it specifically stated in Internal investigations that the immediate supervisor "shall not" conduct the interview. I called Sgt. Eavenson and asked him "Is Division the entity that filed the internal complaint?" and he replied "no, it was filed by me." I then explained that the memorandum that he sent me said that he would be conducting the interview and policy says that the immediate supervisor "shall not" conduct the interview. Sgt. Eavenson explained that he knew the policy said that the supervisor "shall not conduct the interview." He continued to explain the policy manual was just a "guideline" and he could conduct the interview. I did not comment, but I did advise Sgt. Eavenson that I wanted a support member with me during the interview.

*I think Sgt. Eavenson knew that I did not agree with his answer. The reason for my disagreement was I felt when it was at his convenience, "DPS Policy" was considered a guideline. I felt the IA investigation pertaining to the burnt wallet was a policy violation, where I was being held at a higher standard to follow. And when it came to a policy violation for him: It was considered a "guideline." I called about the time I was leaving for the Bakerfield, CA to Las Vegas Law Enforcement Run. When I returned (approximately 4 days later), I had received another memorandum advising that the interview had been change to Chandler, by another supervisor. This is the time I began to feel confident that the information being relayed to the Holbrook office was not completely accurate to the events that are actually occurring within my squad.*

I continued with my 30 day extension with my consistent activity. Sgt. Eavenson communicated through the radio and cell phone that I was doing well. I was assigned training in Window Rock for industrial safety. In the beginning of April I was on-duty and patrolling the area of Kayenta. Sgt. Eavenson had started working that morning. He talked with Officer Beck and did a supervisor ride-along with Officer Eddy Sidney. It was near the end of my shift and I met with Officer Andy Beck. We talked along the side

of the road near Red Mesa. Officer Beck had told me that Sgt. Eavenson had been talking with him, earlier in the morning, about me. Officer Beck explained to me that Sgt. Eavenson felt that I was lying to the squad about my personal life. He explained that his wife had heard from a friend that I was trying to reconcile with my ex-wife. Sgt. Eavenson told Officer Beck that it would be best if I transferred out of the squad and relocated to another District. After hearing this, I felt it was time I met with the lieutenant, in Holbrook. I wanted to ask the lieutenant if I could transfer out of the District. I had talked with Sgt. Eavenson, in the past, and he had explained that the decision was not his to make, it would be the decision of the lieutenant. I also wanted to talk to the lieutenant about the unfair ratings and policy issues pertaining to the IA investigation. My trust with Sgt. Eavenson had deteriorated at this point. I had called off-duty, at my residence, and called Sgt. Eavenson. I told Sgt. Eavenson that I would like to request a conference with Lt. Parks (Sgt. Eavenson was in Many Farms area at the time). Sgt. Eavenson asked "Is everything o.k.?" and I replied "Yes, I would like to talk to the lieutenant. I'm just requesting through my chain of command." There was a long hesitation, then, Sgt. Eavenson gave me the cellular number of Lieutenant Parks. I contacted Lt. Parks and made arrangements to meet him the following day. I sent Sgt. Eavenson a text message advising him that Lt. Parks approved a meeting with him the next day at noon.

At this time, I changed my uniform and prepared to go to my family therapy classes in Kirtland, New Mexico. I was accompanied by my cousin, Marc Scott. Marc has been my biggest supporter with my divorce and the family therapy classes in Kirtland. We began traveling to Kirtland (about a 45 minute drive) for the class. About 30 minutes into the drive, I received a call from Sgt. Eavenson on my cellular phone. I returned the call and Sgt. Eavenson instructed me to return to my home in Teec Nos Pos. I explained that I was on my way to family therapy, in Kirtland, and asked if I needed to return right now. Sgt. Eavenson instructed me to return now to my residence. I turned around and headed back to my house, in Teec Nos Pos.

I arrived at my family business and noticed the AZ DPS SUV parked in the customer parking area of the family business. I saw Officer Martin sitting in the passenger seat and Sgt. Eavenson sitting in the driver seat. I exited my vehicle and walked toward the vehicle. It was a very uncomfortable feeling. It felt like I was being "boxed in." Sgt. Eavenson motioned me to sit in the passenger seat. I sat in the passenger seat. Sgt. Eavenson explained to me that he was placing me on administrative leave for a psychological evaluation. I felt a little anxiety at the time and asked "why?" and Sgt. Eavenson explained that I threatened to hurt my ex-wife's boyfriend. I told Sgt. Eavenson "I never threatened Lowell." Sgt. Eavenson explained that the day I met him at the truck stop, near Towaoc, I told him that I threatened to hurt Lowell (ex-wife's boyfriend) at the time. I told him "that is not true, I never threatened Lowell." Sgt. Eavenson gave me a faxed memorandum and I looked at the fax time and date and noticed it was within the last hour. I told Sgt. Eavenson that I knew what he was doing. I told him that he was doing this because I was going to the Lieutenant tomorrow. Sgt. Eavenson told me that he had been "stewing" over this since we talked about my "personal issue" at our last evaluation and he decided today that he needed to do what was best for the department. I told him that I think he felt I was going to talk to lieutenant about him. I told him that it was his responsibility to coach or counsel me if he thought there was a personal issue. I told him that when I was a supervisor, I always talked personal issues with the

subordinate and to determine what EAP services that could help the situation. I told him that he knew I was going to the family therapy classes and VA Clinic. There is no reason to believe I need a psychological evaluation and I feel this is retaliatory. Sgt. Eavenson responded that he was doing what was best for the department. I told him I still wanted to speak to the lieutenant. He responded that he would contact the lieutenant and tell me if he would still want to talk with me. I asked "why would he not want to talk to me? I made arrangements tomorrow to meet with him?" I told Sgt. Eavenson that I would drive my own vehicle to Holbrook to talk with the Lieutenant. Sgt. Eavenson explained that he would talk to the lieutenant about the meeting. Sgt. Eavenson then explained that I needed to give him my badge, handgun and other credentials. I left his vehicle and went to my house (located behind the family business) to retrieve the items. It was hard to have the administrative procedure to occur the way it did. My mother and cousin Marc were there to see them take away my gun, badge and credentials. This was one of the hardest things I had to do in my law enforcement career. Everything seemed deceitful and wrong. Sgt. Eavenson took my credentials and vehicle and left the residence. He returned a short time later and requested additional credentials. I gave him the credentials. I spoke with him at his vehicle. I told him if he thought I was running to the lieutenant about issues pertaining to him, then I don't mind him sitting in the conversation with me and the lieutenant. Sgt. Eavenson did not respond. I gave him the credentials and departed. I began my Administrative Duty at this time.

This was the worse time in my whole career. The most hurtful thing was that occurred in front of my family. I felt as if I had committed a crime. I went the whole day on duty with Sgt. Eavenson and two other officers, that day. I felt he was acting on his impulsive behavior again. I felt if he had been "stewing" over my personal issue he would have addressed it with me earlier or would have acted sometime during the day while I was on-duty. It was only after I told him I wanted to talk to the lieutenant that he acted on the fit for duty evaluation or administrative procedure. I do feel this was retaliatory. I feel Sgt. Eavenson thought I was going to the lieutenant to tell him about the civil rights violations or policy violations that have been occurring and reacted.

*This occurred within the parking lot of the family business. My mother was very upset that Sgt Eavenson had blocked the entrance of the business to handle the administrative procedure. This is something that could've been handled while I was on duty or at one of the DPS offices.*

I continued with the administrative procedures as required by the memorandum. I did submit a memorandum requesting that I be placed off probationary status along with my last evaluation. I had been consulting with the Arizona Highway Patrol Organization and the Fraternal Order of Police Attorney's. They agreed that the procedure had been unfair and assisted with the memorandum. I sent the memorandum to Sgt. Eavenson through email and document. Sgt. Eavenson responded that he received the memorandum and would get back with me.

Shortly after, there was a time when Sgt. Eavenson arrived at my residence for a monthly evaluation. He explained that date on the evaluation was wrong and that the memorandum was wrong. I explained

that I didn't think it was wrong and that I would like the memorandum to be submitted. Sgt. Eavenson then became angry (shouting) and threatened to pull another IA on me for lying on the memorandum. I remained calm and told him that the information is accurate and that I should be off of probationary status, as advised by the FOP (Fraternal Order of Police). The situation calmed and I disagreed with the evaluation and returned to my residence.

*I continued with the Administrative procedure. An appointment with Dr. Carson had been set in Phoenix. As I was being relayed ( By Officer Beck) back to Teec Nos Pos from Chandler. Officer Beck was extremely upset. Officer Beck explained to me that he had been talking with Officer Bob Martin (Officer Martin was the officer that was with Sgt. Eavenson when I was placed on administrative duty). Officer Martin had observed the behavior of Sgt. Eavenson before he had met with me. Officer Beck explained that Officer Martin was upset with Sgt. Eavenson. Officer Martin said that Sgt. Eavenson had instructed him to respond to the Red Mesa office (urgent response). Officer Martin said that Sgt. Eavenson was very upset and was more concerned with the fact that I was going to the lieutenant, to get him in trouble. Officer Beck explained that Sgt. Eavenson stated "All Wilson has on me are class "B" violations." Officer Beck felt this whole procedure was a result of retaliation from Sgt. Eavenson. Officer Beck advised me to go to the Commander in Flagstaff. I advised Officer Beck that I have been advised by the Fraternal Order of police Attorneys (FOP) not do anything until the fitness for duty evaluation has been completed. Officer Beck and Officer Martin (two senior officers) were very upset because they were familiar with the poor management and impulsive behavior of Sgt. Eavenson. Officer Beck told me that he was prepared to go to the Commander in Flagstaff about Sgt. Eavenson. I continued to advise him to hold off until I complete the psychological evaluation.*

One of the policy violations that Sgt. Eavenson was concerned about was the civil rights violation by allowing the officers in my squad to write Native Americans in the State court. He has criticized that the Tribal courts were too lenient and dismiss many of their tickets and the State courts had harder consequences.

The other violation was Sgt. Eavenson confided in me on an occasion when he was returning from Phoenix. He was in a patrol vehicle and his daughter was following him back to his residence, in Cortez. He had told me that he had his daughter follow him at a high rate of speed and she was doing a great job of keeping up with him on the Interstate. Sgt. Eavenson said that she had was nervous as they were driving on the single lane roads (Hwy 191 and Tribal roads). Sgt. Eavenson explained that his daughter was stopped by an Apache County Deputy near Many Farms and that he turned around and talked with

the Deputy about the speeding and that she was his daughter. Sgt. Eavenson explained that the Deputy let them go with a warning and they continued to Cortez. Sgt. Eavenson then explained that his daughter was more nervous and did not want to travel at a high rate of speed no longer. He was frustrated that his daughter would fall behind and he would have to wait for her.

Another Policy violation occurred with an incident with a pursuit by two officers (Officers Smith and Martin. There was a pursuit that occurred near Red Mesa. The pursuit ended at the Utah border (possibly within Utah). Officer Smith had contacted the subjects at the end of the pursuit. Sgt. Eavenson was suspicious of the end because it appeared that the damage to the patrol car (Officer Smith's) was a result of him following too closely. Officer Martin was concerned that there was an excessive force issue with Officer Smith. The excessive force was Officer Martin felt that Officer Smith did not need to taze one of the subjects, who was not resisting and was lying on the ground.

It wasn't until a short time later, I met Officer Smith in the Red Mesa Office and he was telling me of the incident. He was frustrated with Sgt. Eavenson because he had him change the incident report. Officer Smith explained that he initially put in the report that the suspect was tazed in the groin. He advised that Sgt. Eavenson explained to him that it was a policy violation to taze a suspect in the groin. Officer Smith then told him that he tazed the suspect in the buttocks. Sgt. Eavenson then instructed him to change the report.

Another Policy violation was the incident where he thought he would be the investigating supervisor on an internal complaint (IA investigation referring to my incident with the burnt wallet) where he was the initiating complainant. This was explained earlier in my report.

*There are other minor policy violations that have occurred through my evaluation process, that have been observed by me and other officers.*

Notes:

There was a time while I was on administrative leave that Sgt. Eavenson explained to me that he had a mental disorder that required him to take medication.

Behaviors of forgetfulness; Sending me on training in Flagstaff and there was no training scheduled, leaving ammunition at the Holbrook Office (Officer Beck), washing department phone.

