



**NEWS RELEASE
FOR IMMEDIATE RELEASE**

Contact: David Mekarski, Town Manager
dmekarski@purcellvilleva.gov; 540-338-7421

STATEMENT OF THE PURCELLVILLE TOWN MANAGER, DAVID MEKARSKI

CHIEF CYNTHIA MCALISTER TO BE RESTORED TO DUTY

*Investigation concludes that there was no evidence of untruthfulness or misconduct
by Chief McAlister*

PURCELLVILLE, Va. JULY 30, 2018 — The Town of Purcellville today announced that Police Chief Cynthia McAlister will be returning to her position effective August 1, 2018. Chief McAlister’s reinstatement comes upon the conclusion of the commissioned investigation by Retired Chief of Police Timothy Longo and the Wilson Elser law firm. The Phase 2 Public Final Report of Audit and Investigation (the “Phase 2 Public Report”), being issued today, documents that there was no evidence of untruthfulness or misconduct by Chief McAlister.

Chief Longo and Wilson Elser conducted a thorough and comprehensive investigation of the allegations made against Chief McAlister and recommended that she be reinstated. Their rigorous methodology and depth of investigative experience gives us the utmost confidence in their findings. We are pleased the investigation has concluded, and are excited to bring Chief McAlister back to her role as Chief of the police department as we move forward.

In addition, the Phase 2 Public Report documents that allegations of untruthfulness made against Officer Kris Fraley last fall were unfounded. Officer Fraley has been cleared of any and all wrongdoing.

The investigation by Chief Longo and Wilson Elser is now complete. As Town Manager, I am grateful to the officers who served the community with distinction while the Town conducted these investigations, and am eager to shift focus to strengthening all functions of the police department so that it can deliver the highest possible level of service to both our residents and business community. We are committed to building an organization of high integrity that reflects the strong values and principles of our Town. I look forward to working with Chief McAlister and her staff in developing a vision and strategic plan that will strengthen the police department’s mission and bring innovative community policing initiatives to the department as we forge our path into the next chapter of this Town’s history.

Now that the investigations are concluded, Mayor Fraser and the Town Council have asked Chief Longo, Wilson Elser and its consultants to provide specific recommendations to improve the Town’s policies, procedures, and internal controls. These recommendations will be incorporated with the comprehensive organizational assessment of all departments, which is beginning this week. Upon completion of the organizational assessment, recommendations will be evaluated by

the Town in a transparent and deliberative process, and implemented to enhance the service delivery of all departments. These improvements will enhance the quality of life for our residents, strengthen our economic base, and preserve the long term fiscal sustainability of our community.

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The Town of Purcellville, Virginia

Purcellville is an award-winning town of over 9,000 residents located in Loudoun County, approximately 40 miles west of Washington, DC. Having received the prestigious Siemens Sustainability Award for Small Communities, Purcellville continues to be honored for its green initiatives with most recently being the Tree City USA recipient for the 10th year. The Town was reaffirmed as a AAA rated community by S&P Global Ratings, the highest credit rating possible, and is recognized as one of the safest towns in Virginia. Once a stop along the W&OD rail line, Purcellville has maintained its historic old-town feel through the restoration and maintenance of its many downtown structures, reflecting the Victorian architecture popular during the early 1900s. Today, Purcellville is the economic hub of western Loudoun County and a popular weekend destination for antiquing, entertainment, farmer's markets, wineries, breweries, distilleries and restaurants. More info at www.purcellvilleva.gov.

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**FINAL PUBLIC REPORT
OF AUDIT AND INVESTIGATION
(PHASE 2)**

PRESENTED BY:

Yooru Pak, Esq.
Jason Waters, Esq.
Wilson Elser

Chief Timothy Longo, Sr. (Ret.)
Assistant Professor
The University of Virginia
School of Continuing and Professional Studies

July 30, 2018

I. INTRODUCTION

On July 27, 2017, several complaints about the Town of Purcellville's Chief of Police Cynthia McAlister were lodged with former Interim Town Manager Alex Vanegas.

The complaints can be broadly summarized as follows:

- (1) Low morale and a "toxic" or "hostile" environment within the Purcellville Police Department ("Department" or "PPD")
- (2) Being treated in a demeaning, berating or belittling manner
- (3) Additional administrative job assignments
- (4) Administrative changes in the Department
- (5) Criticism of Chief McAlister's handling of an internal investigation related to a former sergeant
- (6) Allowing an employee in a civilian position to be sworn in as a law enforcement officer
- (7) Disagreement with Chief McAlister's enforcement of Town Code § 46-14

These complaints were first investigated by Mr. Vanegas in August 2017 [hereinafter referred to as "Vanegas Investigation"]. On August 28, 2017, Mr. Vanegas placed Chief McAlister on paid administrative leave.

On or about September 22, 2017, Mr. Vanegas hired Georgia Nuckolls, a Human Resources consultant, to conduct an independent investigation of these allegations [hereinafter referred to as "Nuckolls Investigation"]. Based on Ms. Nuckolls' findings, the Town Council announced a vote of "no confidence" in Chief McAlister on November 1, 2017, and Mr. Vanegas, as the Interim Town Manager, terminated Chief McAlister on November 2, 2017. When the integrity of the Nuckolls Investigation was questioned, the Town reinstated Chief McAlister and placed her on paid administrative leave pending this investigation. Chief McAlister has been on paid administrative since then.

This Audit and Investigation was bifurcated into two phases. Phase 1 focused on the investigative methodologies and findings by Ms. Nuckolls. After an extensive investigation that included numerous interviews and a review of a tremendous number of documents, we concluded that there were serious deficiencies in Ms. Nuckolls' investigative methods and processes that undermined the reliability of her report [hereinafter referred to as "Nuckolls Report"]. We released the Public Report of Audit and Investigation (Phase 1) on April 11, 2018 [hereinafter referred to as "Phase 1 Public Report"].

Following the conclusion of Phase 1, the Town of Purcellville engaged the law firm of Wilson Elser and Chief Timothy Longo, Sr. (Ret.) to continue their investigation. Specifically, Phase 2 of this Audit and Investigation is focused on investigating the allegations made against Chief McAlister. To that end, this investigative team interviewed former and current Town employees and collected additional data from individuals interviewed and from other sources.

II. STRUCTURE OF THIS REPORT

This Phase 2 Public Report summarizes our investigation and findings with respect to the specific complaints about Chief McAlister.

As a threshold matter, in Section III of this Report, we review the Department's written grievance procedures to determine whether the specific complaints should have been allowed to proceed under the Department's grievance process. While we conclude that a number of complaints should not have been allowed to have been grieved, we proceed with the investigation as to such complaints because they were included in the prior Vanegas and Nuckolls Investigations.

We next discuss and evaluate the information collected during our investigation. Based upon the evidence collected during the investigation, we then make the following determination as to each allegation:

- (1) **Unfounded:** The allegation is without basis in fact;
- (2) **Exonerated:** The incident complained of occurred, but was lawful and proper;
- (3) **Not Sustained:** Insufficient evidence exists to either prove or disprove the allegation; or
- (4) **Sustained:** The allegation is supported by sufficient evidence.

See Purcellville Police Department, General Order 152.1.4(H) (eff. Apr. 19, 2007). As factfinders, this investigative team avoids making credibility determinations to the extent practicable.

Section IV of this Phase 2 Public Report focuses on the allegations of untruthfulness against Chief McAlister as set forth in the Nuckolls Report. We note that these allegations were not among the original complaints against Chief McAlister. Instead, the allegations of untruthfulness were raised during the Nuckolls Investigation.

Sections V and VI of this Report focus on the specific complaints made against Chief McAlister. The complaints are evaluated within two separate categories: (1) whether Chief McAlister violated Department Regulation A-13, Human Relations, and (2) whether Chief McAlister abused her authority.

Section VII of this Report focuses on allegation of untruthfulness made against Officer Kristopher Fraley, which were raised during the Nuckolls Investigation. Specifically, we determine whether the finding of untruthfulness should be sustained.

Finally, the last section of this report contains our closing statement and recommendations.

III. THE DEPARTMENT'S GRIEVANCE PROCESS

General Order Number 125 sets forth the grievance procedures for the Purcellville Police Department ["the Department" or "PPD"]. The General Order specifically provides:

The Department utilizes the Town Grievance Procedures as set forth in the Town of Purcellville Personnel Manual. (See Town of Purcellville Personnel Manual, Article X). Officers may elect to proceed under the provisions of the Town Code or the Law Enforcement Officer's Procedural Guarantees, but not both.

General Order No. 125.1.1.B. Section 125.1.2 (Coordination of Grievances) further provides that “[t]he Human Resources Manager for the Town will be responsible for managing the grievance process and will be responsible for the maintenance and control of the grievance records of departmental personnel.”

Article X of the Town's Personnel Policies outlines the Employee Complaint and Grievance Procedure. It specifically applies to “[u]niformed police officers” unless they opt to follow the Commonwealth's Law Enforcement Officer's Procedural Guarantees. Purcellville Personnel Policies, Art. X, § 10.1-1(d)(2) (rev. July 2005).

Article X enumerates the types of complaints that can or cannot be grieved under the Town's policy. The Town policy provides that the following types of complaints or disputes can be grieved:

For the purpose of this grievance procedure, a grievance shall be construed as a complaint or dispute by an employee relating to his or her employment, including, but not necessarily limited to:

- (1) Disciplinary actions including dismissals, disciplinary demotions, and suspensions provided that they have resulted from formal discipline or unsatisfactory job performance;
- (2) The application of personnel policies, procedures, rules, regulations, ordinances and statutes;
- (3) Acts of retaliation as the result of utilization of the grievance procedures or participation in the grievance of another Town employee;
- (4) Complaints of discrimination on the basis of race, color, creed, sex, handicap, disability, age, national origin or political affiliation;
- (5) Acts of retaliation resulting from use of or participation in a grievance procedure, compliance with any law of the United States or of the Commonwealth, reporting any violation of such law to a governmental authority, seeking any change in law before the Congress of the United States or General Assembly, or reporting an incidence of fraud, abuse or gross mismanagement.

Purcellville Personnel Policies, Art. X, § 10.1-1(a) (rev. July 2005).

On the other hand, complaints about the Town’s “exclusive right to manage the affairs and operations of the departments ...” are not subject to the Grievance Process:

The Town reserves the exclusive right to manage the affairs and operations of the departments, boards, agencies, and other officers serving the Town of Purcellville. Accordingly, the following complaints are not subject to the Grievance Process.

- (1) Establishment and revision of wages or salaries, position classifications or general benefits;
- (2) Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
- (3) The contents of ordinances, statutes or these personnel policies or procedures, rules and regulations;
- (4) Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;
- (5) The methods, means and personnel by which such work activities are to be carried on; except where such action affects an employee who has been reinstated within the previous six months as a result of the final determination of a grievance, termination, discharge, layoff, demotion, or suspension from duties because of a lack of work, reduction in work force or job abolition;
- (6) The hiring, promotion, transfer, assignment and retention of employees within the Town;
- (7) The relief from duties in emergencies where the Town took action as a result of the following:
 - a. There was a valid business reason for the action and
 - b. The employee was notified of such reason in writing prior to the effective date of the action.

Purcellville Personnel Policies, Art. X, § 10.1-1(b) (rev. July 2005).

Once the complaint or dispute has been reduced to writing, the Town Manager must then decide whether the complaint or dispute can be grieved in accordance with established procedure. Purcellville Personnel Policies, Art. X, § 10.1-1(c) (rev. July 2005). The Town Manager’s decision that a complaint cannot be grieved may be appealed to the Loudoun County Circuit Court. *Id.*

After the Town Manager determines whether the complaint can be grieved, Article X lays out a “chain of command” resolution process. To that end, the grievant first presents his or her complaint to the immediate supervisor. If there is no resolution at the first step, the grievance is

presented to the department head. If there is no resolution at the second step, the grievance is escalated to the Town Manager. The final step is an impartial Panel hearing. *See* Purcellville Personnel Policies, Art. X., § 10.1-2 (rev. July 2005).

As set forth above, the complaints about Chief McAlister can be summarized as follows:

- (1) Low morale and a “toxic” or “hostile” environment within the Department
- (2) Being treated in a demeaning, berating or belittling manner
- (3) Additional administrative job assignments
- (4) Administrative changes in the Department
- (5) Criticism of Chief McAlister’s handling of an internal investigation related to a former sergeant
- (6) Allowing an employee in a civilian position to be sworn in as a law enforcement officer
- (7) Disagreement with Chief McAlister’s enforcement of Town Code § 46-14

Based upon our reading of Article X, assuming that the proper policy or procedure is identified, only the first two complaints should have been allowed to have been grieved pursuant to the grievance process.

The remaining complaints are about management decisions that are exempt from the grievance process. For example, complaints about job assignments or the Chief’s procurement decisions cannot be grieved because they constitute management decisions, and the Town “reserves the exclusive right to manage the affairs and operations of the department[.]...,” including the “methods, means and personnel by which such work activities are to be carried on.” *See* Purcellville Personnel Policies, Art. X, § 10.1-1(b)(5) (rev. July 2005).

Similarly, complaints about the Police Chief’s supervision and/or involvement in an internal affairs investigation cannot be grieved. To that end, under the General Orders, the Chief of Police has the authority to “directly manage the internal affairs function” and the investigating officer, who is assigned by the Chief and regardless of rank, reports directly to the Police Chief. *See* PPD General Order 111.1.1(A)(1)(b). Because the Police Chief is solely responsible for managing internal affairs investigation, the Town, through the Police Chief, “reserves the exclusive right to manage the affairs and operations of the department[.]...,” including the “methods, means and personnel by which such work activities are to be carried on.” *See* Purcellville Personnel Policies, Art. X, § 10.1-1(b)(5) (rev. July 2005).

In addition, complaints about the Police Chief’s decisions to modify job assignments – whether to enhance or reduce assignments as necessary – cannot be grieved under Article X. The Police Chief has the “exclusive right to manage the affairs and operations” of the Department by revising or reclassifying a position classification, which would include a decision to modify or add to “work activity which may reasonably be expected to be a part of the job content.” *See* Purcellville Personnel Manual, Art. X, Section 10.1-1(b)(1), (2), and (6).

Finally, Chief McAlister’s decisions regarding an enforcement action should have been excluded from the grievance process. Article X, § 10.1-1(b)(3), specifically provides that the Department

has the exclusive right to manage operations, including “the contents of ordinances [and] statutes....”

Nonetheless, because all of these allegations were the subjects of the previous Vanegas and Nuckolls Investigations, we included them in our investigation.

IV. THE FINDINGS OF “UNTRUTHFULNESS” AGAINST CHIEF McALISTER ARE NOT SUPPORTED BY FACTS

Under the Department’s Regulations, one of the general responsibilities of law enforcement personnel is “truthfulness.” Specifically, Regulation A-21 states:

When questioned by competent authority, employees shall give complete and honest answers to any question related to their official duties, their fitness to hold public office, or violation(s) of the regulations or general orders of the Department.

PPD General Orders, Regulation A-21. The Nuckolls Report concluded that Chief McAlister was untruthful with respect to five statements. Our investigation finds that these allegations of untruthfulness are unfounded.

A. The Chief did not make a false statement to the Loudoun County Circuit Court Clerk of Court.

Chief McAlister was alleged to have been untruthful when she presented the Business Manager to the Loudoun County Circuit Court Clerk of Court on December 22, 2016, with the representation that he was eligible to take the law enforcement officer’s Oath of Office. We do not believe that the facts support this allegation, which we conclude to be unfounded.

By way of background, upon graduation from an approved criminal justice training academy, the Commonwealth of Virginia certifies law enforcement officers who have met certain standards. *See* Virginia Code § 15.2-1706. Certified law enforcement officers maintain their certification by completing in-service training at approved academies. Only certified law enforcement officers are eligible for employment in Virginia. Upon hire by an agency, the certified law enforcement officer must be sworn in by the agency’s jurisdiction. The Oath of Office, which authorizes the officer to exercise police powers in accordance with the Constitutions of the United States and the Commonwealth of Virginia, is usually administered by the Clerk of Court of the jurisdiction’s circuit court. A sworn law enforcement officer who leaves an agency surrenders his police powers for that jurisdiction, but retains his or her Virginia certification and remains eligible for employment and to be sworn in by another jurisdiction as long as his Virginia certification remains current.

In October 2016, the Department hired a Business Manager, which was a “civilian” or non-law enforcement position. The individual who was hired for this position was, at the time of his hire, a Virginia-certified law enforcement officer. He graduated from the Northern Virginia Criminal Justice Training Academy in 2002 and met the standards to become a certified law enforcement

officer as established by the Virginia Department of Criminal Justice Services (VDCJS) pursuant to Virginia Code § 15.2-1706. He had maintained his in-service credit hours to retain his Virginia certification and was eligible for hire as a law enforcement officer in another jurisdiction. This individual did not surrender his Virginia law enforcement certification merely because he was hired into a civilian position at PPD. Rather, because he did not have any law enforcement responsibilities in a civilian position, he was not required to take the Oath of Office when he was hired. Thus, because he was a Virginia-certified law enforcement officer on December 22, 2016, he was eligible to take the Oath of Office to become a sworn law enforcement officer for the Town of Purcellville.

In summary, we found no evidence that Chief McAlister made any false representations regarding this individual's eligibility to become a sworn law enforcement officer on December 22, 2016. Thus, we find this allegation of untruthfulness to be unfounded.

B. The Chief did not make a false statement to the Virginia Department of Criminal Justice Services.

Chief McAlister allegedly made a false statement to the Virginia Department of Criminal Justice Services (VDCJS) when she completed the Initial Employment form indicating that the Business Manager was a full-time law enforcement officer with the rank of Detective as of December 22, 2016. This form was signed by Chief McAlister on January 9, 2017. We do not believe the facts support this allegation.

There is no dispute that the Business Manager is a full-time employee of the Town. There is also no dispute that this individual took the Oath of Office on December 22, 2016, and he became a sworn law enforcement officer for the Town as of that date. And while they may have questioned whether she had the authority (which is discussed below), no one disputed that as of December 22, 2016, Chief McAlister bestowed the working title "Detective" on this individual to facilitate his ability to perform his investigative responsibilities. Thus, at the time that Chief McAlister signed the Initial Employment form, this individual was a full-time law enforcement officer for the Town with the working title of "Detective."

In summary, we do not believe the evidence supports the assertion that Chief McAlister made a false statement to VDCJS regarding the status of the Business Manager once he became a sworn law enforcement officer. Thus, we believe this allegation of untruthfulness is unfounded.

C. The Chief did not make a false statement to the accrediting agency in February 2017.

Chief McAlister was also allegedly untruthful when she made a statement to the assessment team from the Virginia Law Enforcement Professional Standards Commission (VLEPSC) about the maintenance and care of the evidence and property room by a former sergeant. Based upon our investigation, we find this allegation to be unfounded.

The Department's accreditation status was up for review in 2017. In February 2017, VLEPSC sent an assessment team comprised of law enforcement personnel from various jurisdictions.

During the February 2017 site visit, the assessors toured the evidence and property room and conducted a random audit of the property management system. The assessors did not find any discrepancies with the property management system.

However, the Department could not produce all of the mandatory quarterly inspection/audit reports because they did not exist. The former sergeant who was responsible for the evidence and property room had not completed all of the quarterly or unannounced inspections as required by the standards. In lieu of the missing reports, Chief McAlister produced a “100%” inspection/audit report prepared by the former sergeant when she was first hired (a generally accepted practice when there is a change in Chiefs). Upon review of the audit report, the assessors – and not Chief McAlister – concluded that there was negligence by the former sergeant with respect to the maintenance and care of the evidence and property room. The assessors then directed Chief McAlister to prepare a letter explaining what they considered to be the former sergeant’s prior negligence and her efforts to improve compliance, including re-assignment of the evidence and maintenance room to other personnel.

Various witnesses during our investigation corroborated the state of neglect of the evidence and property room before Chief McAlister was hired. We stress that there were no reports of missing evidence or property, and the room itself was properly equipped with lockers and other infrastructure to properly and safely store potential evidence and property. However, witnesses commented about the general disorganization and described the room as being “in shambles,” that it “took forever” to locate some property, that the handling process would “change weekly,” that it was not “up to standards,” and that “nothing was being done” to clear away unused or old property, among other comments.

Thus, we found no evidence that Chief McAlister made any false statements to the Commission. It appears that Chief McAlister was truthful when she explained that the former sergeant in charge of the property and evidence room had not completed all necessary inspections and when she explained the steps that were taken by the Department to comply with the standards. Chief McAlister’s letter to the VLEPSC explaining the Department’s efforts to comply with the standards ensured that the Department would be re-accredited. Accordingly, we believe this allegation of untruthfulness is unfounded.

D. The Chief did not make a false statement to Mr. Vanegas or Ms. Nuckolls.

Chief McAlister was allegedly untruthful when she responded to questions from Ms. Nuckolls and Mr. Vanegas in September 2017 about self-reporting a worker’s compensation claim in April 2017. Based upon our investigation, we believe this allegation is unfounded.

General Order Chapter 122.3.6 (Reporting Personal Injuries) provides: “Personnel who sustain an injury performing duties as previously described shall orally report the circumstances to their immediate supervisor. ... This report of injury must be made immediately after the occurrence, or as soon as the injured employee is physically able.”

According to Mr. Vanegas, he spoke with a representative from the insurance company who told Mr. Vanegas that the carrier had spoken directly to Chief McAlister about a new claim. Mr.

Vanegas and Ms. Nuckolls then asked Chief McAlister if she had self-reported a claim and she denied doing so. It is our understanding, however, that they did not interview the Director of Administration for the Town, who oversees the workers' compensation policy.

According to our investigation, in April 2017, Chief McAlister believed that she sustained an injury and met with the Town's Director of Administration. The Director of Administration confirmed that Chief McAlister met with her and reported an injury. The Director instructed Chief McAlister to call the insurance company directly to report the claim. Upon notification that the claim had been filed on or about April 14, 2017, the Director of Administration notified the former Town Manager Rob Lohr, former Assistant Town Manager Danny Davis, and the Human Resources Manager Sharon Rauch. Thus, the record shows that Chief McAlister first reported her injury to the Town, and that the Town specifically instructed her to contact the insurance company to report her claim. Thus, we conclude that she did not violate this policy by self-reporting a claim without any notice to the Town.

In summary, we did not find evidence to support the previous finding that Chief McAlister was untruthful when she stated that she did not self-report a worker's compensation claim. Accordingly, in our opinion, the allegation of untruthfulness is unfounded.

E. The Chief did not make a false statement about attending the FBI National Academy in 2010.

There is also an allegation that Chief McAlister lied about attending the FBI National Academy in 2010. Based upon our investigation, this allegation is unfounded.

The University of Virginia, School of Continuing and Professional Studies, has been the academic partner to the FBI National Academy for more than four decades. Its Registrar's Office confirmed Chief McAlister's matriculation and graduation from the FBI National Academy in the spring of 2010. She is a graduate of Session 240 and an undergraduate certificate was conferred on March 19, 2010.

Thus, this allegation of untruthfulness is unfounded.

* * * * *

In summary, based upon our investigation, we find that all of the allegations against Chief McAlister for untruthfulness are unfounded.

V. THE COMPLAINTS ABOUT CHIEF McALISTER'S ALLEGED UNPROFESSIONAL OR DISCOURTEOUS CONDUCT ARE UNFOUNDED OR CANNOT BE SUSTAINED

As noted above, the complaints that were originally made about Chief McAlister fell into one of two categories. No specific violations of policy were asserted with respect to the complaints of low morale and a "toxic" or "hostile" environment in the Department, or the complaints about being treated in a demeaning, berating or belittling manner. Thus, we will proceed and

determine whether Chief McAlister violated the Department's general "Human Relations" policy. *See* PPD General Orders, Regulation A-13.

The Department's "Human Relations" policy provides, in part:

Personnel are expected to perform their duties in an efficient, courteous, and orderly manner, employing patience and good judgment at all times. Personnel shall refrain from harsh, profane, or insolent language or acts and shall be courteous and civil when dealing with others. ...

PPD General Orders, Regulation A-13.¹

A. The allegation that Chief McAlister was disrespectful or discourteous to staff is not sustained.

There appears to be universal concern about low morale in the Department. Some witnesses described the environment as "toxic." Some complained of "hush, hush meetings, closed door sessions" and a lack of communication, among others.

One of the primary reasons for low morale appears to be a general concern about an inadequate number of officers in the Department. The Department operates with two squads that work alternating days (A shift) and nights (B shift). The squads are generally comprised of one sergeant, a master police officer or corporal and/or one or two officers. With such minimal staffing, any absence (whether calling out for personal reasons, vacations or duty-related) adversely impacts coverage. Some officers have found ways to minimize their time off street patrol. In addition, many of the officers complained about too much overtime and about the added administrative responsibilities taking them off the street. While the Chief of Police may make budget requests to increase the number of patrol officers (which she has, as based upon budget preparation documents), the staffing levels are ultimately approved by the Town Council, which is responsible for appropriations.² Thus, while we acknowledge that staffing levels may be a factor, we do not find that a complaint of "low morale" based upon inadequate staffing can be attributed solely to the Chief.

We were unable to find evidence that the Chief refused to communicate with her staff. To the contrary, witnesses observed the constant traffic in and out of her office. A staff member joked about building a reception area in front of the Chief's office so that an administrative assistant could act as a "gatekeeper" before being able to walk into the Chief's office. Chief McAlister rejected this suggestion and refused to "put up any walls." In an effort to create more time for her own responsibilities, Chief McAlister asked the officers to first consult with the Business Manager about questions related to their administrative responsibilities before seeking her input,

¹ The preface to the Regulations expressly provides that a violation of the general Regulations could result in disciplinary action, up to and including dismissal. *See* PPD General Orders, Regulations, at page 1.

² The ability to hire more officers, which requires a change in the composition of the Department, must be approved by Town Council, which is responsible for appropriations. *See* Purcellville Town Code, Chapter 42, § 42-31.

which – ironically – caused some witnesses to complain that the Chief was “putting up walls.” This request was not effective. Staff members continued to regularly seek her input and guidance.

We are unable to prove or disprove the allegation that Chief McAlister berated or belittled her staff. Specifically, some witnesses claimed that they felt incompetent because they were yelled at, berated by, and belittled by Chief McAlister. They felt demeaned by her corrective actions and advice, and they felt that their work was “not good enough.” On the other hand, other witnesses described Chief McAlister as professional, cordial and friendly. These witnesses described Chief McAlister as being driven by her goal to improve the Department and to support and nurture her officers under her command. One witness said that Chief McAlister gave 110% to the job, and she expected that much effort from others. These witnesses did not question or denigrate her competencies or her leadership skills or style. Some witnesses observed that she strived to provide more professional and administrative experiences to her officers so that they would have a broader policing experience and offered constructive criticism about work product to improve quality. They never heard Chief McAlister yelling, berating, belittling, cursing or acting in a condescending manner towards others. Some witnesses also said that those who complained about Chief McAlister were disrespectful or insubordinate to the Chief.

We were unable to prove or disprove the allegation that Chief McAlister had an “aggressive” management style. Some of the witnesses were resentful because they thought they were being compared to Chief McAlister’s former department, the Fairfax County Police Department. Several witnesses disagreed with some of the changes that Chief McAlister tried to implement because they believed that the changes, to the extent they were modeled on Fairfax County, were not appropriate for Purcellville. Some of the witnesses complained that Chief McAlister did not seem to understand or know anything about her Department. On the other hand, there were some witnesses who opined that Chief McAlister may not have been aware of specific concerns because affected staff did not bring their concerns to her attention. As observed by others, there was a tendency to be deferential to the Police Chief in her presence while complaining about her behind her back with others. Witnesses told us about two specific changes—a new internal affairs investigation process and shift rotation. Neither proposal was well received. Some witnesses described the reactions as disrespectful and insubordinate. Chief McAlister acquiesced to the staff’s concerns and withdrew the changes for further consideration. In response to the concerns raised about the proposed shift rotation, she sent out surveys to get feedback and preferences. The Chief’s retraction of a proposed change in the face of opposition from the staff seems contradictory to an “aggressive” management style.

In summary, based upon our investigation, we find that Chief McAlister faced a culture of complacency within the Department upon being hired as the Chief of Police. Multiple witnesses indicated that policy violations were not being reported and/or investigated, that disciplinary actions were inconsistent and ineffective, and that performance expectations were not enforced. According to the witnesses, when Chief McAlister started, she asked questions, she challenged their way of thinking, and she was critical of work product that she believed fell below standards – all in an effort to improve the officers’ professionalism and performance. She “rocked the boat,” and because her management style was so different from previous chiefs, her efforts were seen as berating, belittling and unduly critical. This defensive posture is not unexpected when

there is a change in chiefs. Staff must learn to adapt to changes – whether they agree with them or not – that are intended to improve the professionalism, performance and efficiency of the Department, and the staff must change its allegiance to Chief McAlister, who is the “chief executive officer” of the Department.

Accordingly, we do not find that Chief McAlister’s efforts to manage her staff constitute a violation of any policy. On the other hand, to those who are not used to her management style, she may not be well received. Thus, in our opinion, the allegation of unprofessional or discourteous conduct based upon Chief McAlister’s management style is not sustained.

B. The allegation that Chief McAlister prohibited employees from complaining to Town Hall is not sustained.

As part of the alleged “toxic environment,” there was a complaint that Chief McAlister prohibited staff from “going to Town Hall” to express their concerns. Some witnesses claimed that she did, but they could not provide any details of this statement (such as the date on which this statement was made or what words were used). Other witnesses denied ever hearing this statement.

Chief McAlister denies issuing a blanket prohibition against “going to Town Hall” to complain about her or the Department. Instead, she explained that she told staff that they should come to her first about any complaints before “going to Town Hall.” Her rationale was based upon the chain of command. She understood that if she could not resolve them, the employees had every right to “go to Town Hall” to lodge a complaint. Thus, in July 2017, when one of the complaining employees informed the Chief that the staff wanted to go to Town Hall to make a complaint, she encouraged them to do so.

Based upon our investigation, we cannot prove or disprove that the Police Chief prohibited her staff from lodging complaints about her with the Town Manager. Nonetheless, to the extent Chief McAlister directed her staff to inform her before going to the Town Manager, we find that the Chief’s action was reasonable and within her discretion. Her directive appears to reflect the Town’s dispute resolution policy, which provides for a three-step process for resolution that is based upon chain of command. Specifically, the employee is required to first address the complaint with the immediate supervisor, which can then be escalated to the Department Head and then to the Town Manager. *See* Personnel Manual, Art. X. Accordingly, we conclude that this allegation is not sustained.

C. The allegation that Chief McAlister threatened an employee for complaining to Town Hall is not sustained.

One of the witnesses complained that he was threatened with termination because he had complained to Town Hall. There were no witnesses to this conversation. Chief McAlister denied this allegation. No employees have been terminated from the Department for filing a complaint. Thus, this allegation may not be proven or refuted. As such, we find that this allegation is not sustained.

D. The allegation that Chief McAlister retaliated against an employee by issuing a disciplinary action is unfounded.

PPD General Order 141.3.4(A)(6) provides guidance on how officers may or may not wear or style their hair, all of which are based upon safety concerns. It was alleged that Chief McAlister directed a supervisor to issue a disciplinary action against an officer for violating this policy because that officer circulated an article that was perceived to be critical of Chief McAlister.

During our investigation, we found no facts to support a claim of “retaliation.” As a threshold matter, there was no dispute that the officer’s hair did not comply with this policy. The evidence shows that Chief McAlister issued at least two warnings about the officer’s failure to comply with the policy before this article was circulated. On the third violation, Chief McAlister followed chain of command and made a comment to the officer’s supervisor. Thus, because the warnings had been issued before the article, one could not sustain a finding of retaliation.

Accordingly, based upon our investigation, this allegation is unfounded.

* * * * *

In summary, based upon our investigation, the complaints of specific conduct by Chief McAlister that allegedly created a “toxic” environment were either unfounded or not sustained. Thus, we do not find that Chief McAlister violated any personnel policy, procedures, rule or regulations with respect to her treatment of Department staff.

VI. DID CHIEF MCALISTER ABUSE HER AUTHORITY?

The second category of complaints focuses on Chief McAlister’s management prerogatives as Chief of Police. Specifically, there were complaints about additional job assignments, administrative changes in the Department, and the Chief’s role in an internal investigation should not have been investigated as part of the grievance process. There were also several complaints about Chief McAlister’s decision to make the Business Manager a sworn law enforcement officer. Finally, there were complaints about Chief McAlister’s decisions about the enforcement of a Town Code provision.

A. The allegation that Chief McAlister was acting outside the scope of her authority with respect to job assignments is unfounded.

There were several complaints about Chief McAlister’s management decisions, including but not limited to:

- being called into work for a security detail for a significant event (Vice President Pence’s visit to Patrick Henry College);
- increased workload;
- increased administrative responsibilities;
- duplicating work when the Chief misplaced a document;

- unreasonable expectations;
- holding a lower ranking officer responsible for not reporting the failure to perform by higher ranking officers;
- changing Department policies;
- changing access to the quartermaster room;
- directing an officer to contact the parents in a situation involving an adult under 21;
- implementing new procedures for internal affairs investigations;
- directing supervisors on leave to be available by phone;
- directing supervisors to inform the Lieutenant or the Chief if going out of town to ensure coverage;
- delaying the use of new equipment until a process is in place to track use

Under the Town Code, the Chief of Police is the chief executive officer of the Department. The Department's General Orders provide that the Chief of Police "is responsible for the overall management of the Department including the major areas of personnel administration, fiscal management, and policy formation." *See* General Order 111.1.1(A)(1)(a). Accordingly, Chief McAlister had the authority to direct officers to report to work, assign additional job responsibilities, demand better and higher performance, and implement new policies and procedures. None of these actions reflect an abuse of authority. While an employee is entitled to disagree with Chief McAlister's decisions and directions, the employee is not permitted to be insubordinate and ignore the Chief's directives. As an independent observer, these complaints exemplify the challenges that Chief McAlister faced with respect to the culture of complacency that she encountered when she joined the Department.

In summary, all of these actions fell within the scope of Chief McAlister's authority. Accordingly, any complaints that she abused her authority based upon these actions are unfounded.

B. The allegation that Chief McAlister was acting outside the scope of her authority with respect to internal affairs investigations is unfounded.

There have been complaints that Chief McAlister tampered with and compromised the integrity of the internal affairs investigations into allegations of misconduct by two former officers. Specifically, allegations were made that Chief McAlister violated policy by assigning a lower ranking officer to conduct one of the investigations or that she unduly influenced and/or directed both investigations.

1. Did Chief McAlister violate General Order 152.1.2?

The first investigation involved a former sergeant in October 2016. The Chief assigned a former corporal to conduct the investigation because she did not believe that anyone else was qualified to do the investigation.

This constitutes a technical violation of General Order 152.1.2. However, we note several mitigating factors. First, due to the lack of experience among her staff, the only staff member

whom she believed she could rely upon to conduct the investigation was a corporal. Second, she believed that he was competent to conduct a thorough investigation based on his experience with the prior investigation. Third, Chief McAlister discussed this investigation with the former Assistant Town Manager, who was aware that a corporal had been assigned to the investigation and believed that it had been properly handled. In fact, the former Assistant Town Manager believed that Chief McAlister had some flexibility with respect the assignment of investigative officers due to staffing and other administrative issues. Such discretion would fall under the Chief of Police's exclusive right to "manage the internal affairs function." See PPD General Order. 111.1.1(A)(1)(b). Thus, Chief McAlister did not violate General Order 152.1.2 with respect to this investigation, and we believe this allegation is unfounded.

The second internal affairs investigation involved a police officer. Upon notice of the allegations, on or about November 2, 2016, Lieutenant Joseph Schroeck (who was acting on behalf of the Chief because she was out of town) assigned a corporal to conduct the investigation. This matter was then re-assigned by Chief McAlister to a sergeant. The assigned sergeant issued the Notice of Investigation on November 10, 2016, and completed the investigation. Thus, Chief McAlister did not violate General Order 152.1.2 with respect to this investigation, and we believe this allegation is unfounded.

2. **Did Chief McAlister unduly influence the investigation in October 2016?**

It is alleged that Chief McAlister unduly influenced the investigation in October 2016 concerning the former sergeant. Chief McAlister did not have a clear recollection of her actions with respect to this investigation. She believes that she may have provided the notice of investigation to the sergeant. Chief McAlister recalls that upon receipt of the corporal's report, she had additional questions based upon his report and asked him to follow up. This happened at least two or three times. The former sergeant stated that the Chief gave him notice of the investigation but confirmed that the investigation was then handled by the former corporal.

According to the former corporal who conducted the investigation, he submitted the investigation file for the Chief's review during the course of the investigation. Chief McAlister provided feedback on additional investigative steps, including follow up questions. However, as confirmed by the investigating officer, Chief McAlister never asked him to do anything that was unreasonable or that made him feel uncomfortable. The investigating officer also confirmed that the Chief never asked him to change his findings or conclusions, and the Chief never made such changes for him.

At the end of the investigation, Chief McAlister, along with two other officers, met with the sergeant to review the investigation and to discuss her disciplinary action recommendation. This meeting was not an interview. Rather, it was a "pre-disciplinary" meeting that allowed the Chief to provide the former sergeant with the results of the investigation and her recommendation.

Chief McAlister's role in this investigation may have been greater than one would expect. However, we do not believe that she unduly influenced the investigation. The former corporal who conducted the investigation did not believe that the Chief interfered with the investigation

by providing guidance and follow up questions. Accordingly, we find that the allegation that Chief McAlister unduly influenced this investigation to be unfounded.

3. Did Chief McAlister unduly influence the investigation in November 2016?

With respect to the officer's investigation in November 2016, we found no evidence that Chief McAlister was "running the investigation." A sergeant conducted this investigation and submitted a report. The sergeant alleges that Chief McAlister edited the report, but he denies that she made any substantive changes. This sergeant was aware of the revisions made by the Chief and, while he complained about the re-writes, he stated that her edits did not change the substance of the report.

Accordingly, we find that Chief McAlister was managing the investigation, as she is expected to do as the Chief of Police, instead of "running the investigation." Thus, we find that the allegation that Chief McAlister unduly influenced this investigation to be unfounded.

C. The allegations that Chief McAlister was acting outside the scope of her authority by allowing a civilian employee to be sworn in as a law enforcement officer are unfounded.

There were several complaints with respect to Chief McAlister's decision to allow the individual in the Business Manager position to be sworn in as a law enforcement officer. The allegations that she acted outside the scope of her authority in making these decisions are unfounded.

1. Chief McAlister was acting with the scope of authority when she reclassified and revised a position in the Department.

As discussed previously, there is no dispute that this individual was a Virginia-certified law enforcement officer who was eligible to take the Oath of Office to become a sworn law enforcement officer. Based on this individual's credentials, Chief McAlister requested permission from former Town Manager Rob Lohr and former Assistant Town Manager Danny Davis to allow this individual to take the Oath of Office to become a sworn law enforcement officer. This request was made for a number of operational reasons, namely to alleviate staffing shortage issues, to allow him to drive a police cruiser for his background investigations (which he could not do as a "civilian" employee), to represent the Department as a sworn officer at special events (such as "coffee with a cop"), to conduct internal investigations and other criminal investigations, and to respond to calls on an "as needed" basis, among others. In addition, as a sworn officer, this individual would be able to wear a gun, or have access to the armory, while in the office and help defend against any security breaches or threats. The proposal did not request a salary increase despite the additional responsibilities, and it did not change the administrative and civilian nature of the Business Manager position itself. If this individual were to resign, the position itself would remain a civilian position. The Chief's request was approved.

Thus, we believe the allegation that Chief McAlister's decisions to reclassify the individual as a law enforcement officer and to enhance his responsibilities were an abuse of discretion is unfounded.

2. Chief McAlister was acting with the scope of authority when she revised the responsibilities of a position in the Department.

Once the individual in the Business Manager position was sworn in, he was authorized to act as a law enforcement officer on behalf of the Town as needed. As such, his job responsibilities and expectations increased. Chief McAlister had the authority to modify this employee's work activities and job assignments. Accordingly, we find that Chief McAlister was acting within her authority.

3. Chief McAlister was acting with the scope of authority when she issued a working title after revising the position in the Department.

Some members of the Department were upset that the individual hired as a Business Manager was issued the title of "Detective" once he was sworn in. Some staff members accused Chief McAlister of ignoring the Town's hiring process and complained that the "new position" should have been advertised so that they could have applied for it.

The record shows that Chief McAlister did not create a new "Detective" position. Instead, she only offered a working title to facilitate his investigative work. While he had the experience, this individual was not expected or authorized to conduct criminal investigations or engage in regular law enforcement activities.³ In addition, Chief McAlister did not violate the Town's procedures on hiring. This individual was not being hired into a vacant position. Instead, his existing position was modified by the Chief because of his credentials and based upon the operational needs of the Department.

Accordingly, we find that Chief McAlister was acting within the scope of her authority when she bestowed the working title of "Detective" to the Business Manager. Thus, this allegation is unfounded.

4. The allegation that Chief McAlister authorized the issuance of a firearm to an employee before he qualified is not sustained.

The Department's General Order 101.3.10 (Weapons Qualifications) provides, in part: "Officers must demonstrate proficiency in the use of all less lethal and lethal weapons authorized by the

³ The Department does not have a "detective" position and no one is qualified to do criminal investigations. Instead, PPD relies upon the Loudoun County Sheriff's Office to perform criminal investigations, search warrants, etc. On or about July 10, 2017, Chief McAlister issued a memorandum to command staff discussing her proposal to create a "Temporary Detective Position" to fill a need to have an officer capable of conducting criminal investigations in the Department. She asked for recommendations and any interest in this position. No one responded.

Department prior to carrying such weapons” and that “Officers must qualify with any approved firearm with a firing pin prior to carrying the weapon either on or off duty.”

As a sworn law enforcement officer, this individual was authorized to carry a Department-issued firearm. No one raised any concerns about his ability to handle the firearm. However, because he had not qualified on any Department-issued firearm on December 22, he should not have been issued a firearm.

There were various recollections regarding the conversations that day about this issue. One witness claims that the weapon was offered to this individual without the Chief’s knowledge, whereas another witness claims that the Chief authorized and ordered the gun to be issued. When the issuance of the gun was challenged because this individual had not yet qualified on the weapon at the firing range, some claimed that Chief McAlister immediately ordered that the firearm be returned whereas another said that she pushed back, although she ultimately agreed. These conversations might have occurred over the phone or in person. Notwithstanding the differing accounts, there is no dispute that the weapon was returned on the same day that it was issued and that the weapon was never carried outside of the police station. Four days later, on December 27, 2016, he qualified on all three of the Department-issued weapons.

In summary, there is insufficient evidence to prove or disprove that Chief McAlister authorized the issuance of a weapon before the individual was qualified on it. Thus, this allegation is not sustained.

D. The allegation that Chief McAlister was acting outside the scope of her authority when she leased a vehicle for Department use is unfounded.

By way of background, only sworn law enforcement officers are authorized to drive the Department’s marked police cars. The Department only has one unmarked car that can be used by its non-law enforcement personnel, and if it is unavailable, a Town vehicle must be reserved from the Town’s general fleet.

In December 2016, Chief McAlister decided to lease an unmarked vehicle so that another option was available to use for Department business. There was a complaint that Chief McAlister was being “sneaky” about it and that such spending was a misappropriation of funds because she was not authorized to do so.

Our investigation found that Chief McAlister’s decision to lease an unmarked vehicle for Department use was within her discretion and that she had the authority to procure the lease. Specifically, the former Assistant Town Manager Danny Davis approved the expense as long as Chief McAlister stayed within her budget. After some research, the decision was made to “piggyback” on the leasing agreement that the Loudoun County Sheriff’s Office had with the Enterprise rental car company located in Purcellville. The proper procurement papers were prepared and approved by the Town’s procurement specialist and Finance Department. The total cost of the lease was \$3,850. Thus, the record shows that Chief McAlister had the discretion, authority and approval to proceed with the leasing of a vehicle for Department use. Accordingly, this allegation is unfounded.

Some witnesses also complained that the Chief was showing her favoritism for the Business Manager because they believed that the leased vehicle was going to be used exclusively by him as a “take home” car. There is some support for the belief. Specifically, the requisition form described the procurement as “Rental Vehicle for [Business Manager].” On the other hand, there is also evidence that the leased car was not used as a “take home” vehicle and that it remained in the Department parking lot unless it was needed for an early morning trip. The leased car was intended to provide the Department with another unmarked vehicle that could be used for other police business, such as surveillance. Its potential uses, however, were never realized as the leased car was returned by December 30, 2016, only nine (9) days later, because of staff’s complaints of unfairness and favoritism.

E. The allegation that Chief McAlister authorized the Business Manager to review in-car camera video is unfounded.

This complaint is not specifically about Chief McAlister. A staff member complained that the Business Manager, who had administrator rights to the Department in-car camera video system, was reviewing videos to criticize their performance. When this was brought to Chief McAlister’s attention, she immediately ordered him to stop because she had not authorized such reviews. Thus, the allegation that she abused her discretion in authorizing the Business Manager to review in-car camera videos is unfounded.

F. The allegation that Chief McAlister was acting outside the scope of her authority by allowing a special exemption from a Town Code section is unfounded.

Finally, some concerns were raised about the Chief’s decision to issue a special exemption under Town Code § 46-14(b). This code provision provides that it shall be unlawful “for any person to fire or discharge a gun, rifle, air rifle, pistol or any other firearm in the corporate limits of the town, without a special permit from the chief of police.”

On June 20, 2017, Chief McAlister sought legal counsel from the Town Attorney regarding the scope of this code provision. Specifically, a citizen inquired if Section 46-14 prohibited the use of pneumatic guns that shot BB pellets on private property. The Chief, along with an officer, evaluated the target practice range set up in the citizen’s backyard. The Chief sought further advice on whether to issue a special permit based upon officer’s recommendations, with which she was comfortable.

There can be no dispute that the Town Code specifically allows the Chief to issue a special permit that would allow the discharge of an air rifle or other firearm within the Town’s corporate limits. The fact that a special permit had “never” been issued in prior years does not deprive the Chief of her authority to do so.

Upon reviewing this incident, Chief McAlister did not act outside the scope of her authority in issuing a special permit in this situation. The Town Code authorized her to do so, and she sought

advice of counsel prior to taking such action. Thus, any allegation that the Chief was acting the scope of her authority by issuing a special permit is unfounded.

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In summary, after a thorough investigation, we do not believe that there is evidence that Chief McAlister abused her authority or acted outside the scope of her authority.

While Chief McAlister was acting within the scope of her authority, the staff's increasing complaints about the role of the Business Manager illustrated the growing tension in the Department. For example, staff complained that Chief McAlister instructed them to run issues by the Business Manager before bringing them to her attention and that they should accept his directions as "coming from" her. From the staff's perspective, Chief McAlister authorized a civilian to supervise and command law enforcement officers and field operations. While no one disputes the Business Manager's professional experience or credentials, he was not hired for that purpose. He was supposed to be a civilian employee working on administrative matters. This encroachment into law enforcement activities, particularly as the Chief's putative third-in-command, cultivated an environment of mistrust and suspicion.

On the other hand, Chief McAlister's intent was not to install the Business Manager within the chain of command. Rather, she needed assistance in supporting and guiding her command staff with respect to the administrative responsibilities tasked to them. The learning curve was steep for some of the officers. Thus, the Chief found herself spending so much time assisting her staff that she had no time for her "chief" responsibilities. By hiring a Business Manager, the intent was to delegate that administrative support function to the Business Manager.

As we review the events that occurred, there was a breakdown of communications and runaway expectations. The Business Manager's professional experience is impressive and compelling. However, his role, function and fit within the organization became confused and ambiguous when he was given sworn status. Staff raised legitimate questions about his role, function and fit once he was sworn – namely, as a sworn law enforcement officer, did he now have the authority to supervise and direct the officers, even though he was in a civilian position? Such confusion contributed significantly to the deterioration of the relationship between the staff and the Chief.

We find that the command staff was also responsible for this increased tension in the Department. They appear to be taking the position that they can act cohesively to push back and forestall Chief McAlister's efforts to institute and implement changes to the Department's policies and procedures. According to some witnesses, the command staff have been disrespectful and duplicitous (i.e., placating the Chief but then acting to undermine her authority in her absence). The tension and acrimony have escalated to the point that they seem resistant to any command from the Chief. The Chief's attempt to explore and implement a shift rotation right before she was placed on administrative leave is a prime example of this conduct. The command staff must be reminded that the Chief of Police is the CEO. And a new chief will mean changes that must be accepted by his or her subordinates.

VII. THE ALLEGATIONS OF UNTRUTHFULNESS AGAINST OFFICER KRIS FRALEY ARE UNFOUNDED.

On October 12, 2017, Police Officer Kris Fraley was informed by the previous investigator that he was being investigated about allegations and statements that he had made in two prior internal affairs investigations. He was ordered to sit for a polygraph examination, which was determined to indicate deception. Officer Fraley was then relieved of duty and placed on paid administrative leave.

While on leave, Officer Fraley sat for another polygraph examination. This time, the polygraph results showed that there was no deception detected.

Based upon our investigation, it appears that the Department's finding of untruthfulness was based upon solely on the October 2017 polygraph test. We found no evidence, however, that the matter was investigated further. Due to the contradictory results between the first and second polygraph tests, as well as the general legal inadmissibility of polygraph results, we believe the October 2017 results should not have formed the basis of a personnel action. Accordingly, based upon our investigation, we find that the allegations of untruthfulness against Officer Fraley are unfounded.

VIII. CONCLUSION AND RECOMMENDATIONS

At every step of this critical process, we have examined the assertions raised by the complainants. We have reviewed their written reports, conducted interviews, and when necessary, we have taken steps to follow-up as information would come to our attention that warranted additional scrutiny. As has been previously stated, our efforts have brought us to the conclusion that while meritorious in the eyes of those who came forth voicing allegations and assertions of misconduct, there is no substantive evidence that Chief Cynthia McAlister was the sole catalyst of a "toxic" environment within the Purcellville Police Department. Nor is there any substantive evidence that she acted outside the scope of her lawful duties and responsibilities, or took steps to fabricate or otherwise mislead anyone during the course of her employment. According to witnesses, Chief McAlister was hired as a "change agent" for a stagnating department. Thus, any resistance to a change because it is not "the Purcellville way" should surrender to the desire of the Town, through Chief McAlister, to modernize the Department. This observation, however, is not an endorsement of unprofessional or discourteous conduct by Chief McAlister or any staff member. The Department has set a code of conduct requiring its members to be professional and courteous with each other. This policy should be reviewed and enforced throughout the Department.

The Town and the Department are at a critical crossroads that requires a firm commitment to moving forward. To that end, the following recommendations are made by Chief Longo, based upon his expertise in police operations, to enhance the professionalism and effectiveness of the Department as a whole.

Recommendation #1:
Operations and Departmental Infrastructure

The Department is underfunded and inadequately staffed to provide an effective infrastructure to meet the public safety needs of the Town. Thus, we recommend the following:

- (1) Construct an incremental action plan that includes clear, measurable, and realistic objectives for both the Chief of Police and the Department's law enforcement officers and staff. It is imperative that this plan unambiguously reflect the expectations of the Town Council and the Town Manager as to the performance of the Chief of Police, and their strategic vision for the manner in which policing services are to be delivered in the Town of Purcellville.
- (2) Create two command level positions within the Police Department at the rank of Deputy Chief and Operations Commander. We believe that a Deputy Chief position is necessary to ensure a clear and identifiable succession of command and to provide operational and administrative support to the Chief during a time of critical transition. Moreover, this position could provide command level oversight of the administrative tasks that are presently overseen by a business manager and a cadre of first line supervisors whose focus should be on the day to day delivery of law enforcement services. The position of Operations Commander (the rank of lieutenant) would ideally serve as the patrol commander and would have oversight of patrol operations. These duties would include, but not necessarily be limited to, developing appropriate patrol staffing levels, coordinating daily roll call training that pertain to critical law enforcement tasks, overseeing the departmental fleet and armory, and have daily responsibility for advancing the department's relational (community) policing strategy.
- (3) Increase the Police Department's table of organization by six to eight police officer positions. This would allow for the department to have a minimum staffing level of three to four officers serving the community during any given 24-hour period. This would not only improve service delivery but would provide a level of safety and support for the Town's police officers.
- (4) Conduct a full and complete audit of the Police Headquarters facility, all administrative and personnel files, and the evidence and property room.
- (5) Hire a part-time Accreditation Manager to ensure that the Department remains current in collecting proofs of compliance and is best equipped to undergo future assessments.
- (6) Relocate to a more secure and functional facility to house police operations. The current facility is within a commercial strip mall which lacks the necessary prerequisites for a safe, secure, and functional police facility. We recommend a location that is more central to the Town, provides high visibility to community and visitors, allows for the safety and well-being of critical staff, has the infrastructure to secure

equipment, resources, property, and evidence, and has the secure technology infrastructure commensurate with best practices.

Recommendation #2:

Break the Cycle of Mediocrity within the Purcellville Police Department

Our investigation revealed the existence of a cycle of complacency and mediocrity within the department that warrants immediate attention. For example, the statements of those that we interviewed revealed an inconsistency with respect to adherence to policy, and an inequity with respect to the manner in which discipline is meted out. To best serve the interests of the Department and the community, there must be a focus on the infrastructure to guide the work of the staff. To that end, we recommend the following:

- (7) Review and update the Department's policy manual with particular focus on the code of conduct and the totality of high risk critical tasks that are related to police operations. It is important that these policies not only comport with substantive due process standards but reflect the organizational values of the Town and best policing practices.
- (8) Develop and implement a comprehensive recruitment and selection process that reflects the quality of personnel the Town envisions for its police department. Notwithstanding the importance of a diverse and highly qualified department, the police officers who represent the Town must reflect the Town's values and expectations. Thus, it is critical that the community be closely connected to the process of developing job descriptions, standards, expectations, and processes related to the selection of its police candidates.
- (9) Prepare and implement a recurring twelve-month training program independent of the minimum requirements of the Department of Criminal Justice Services that addresses both the high risk critical tasks and those areas deemed relevant to the Town's constituents with regard to the level and manner of policing services that are consistent with community desires and expectations. Training is a high risk critical task that best informs the manner in which police services are implemented. The Department's performance measurement plans must include both the specific content and manner in which police officers in Purcellville are trained to go about their important work.
- (10) Ensure that the Department's policies are being consistently enforced and that its procedures are being followed. To ensure consistency, we recommend that the Department develop a matrix or other model regarding disciplinary action.
- (11) Perform daily, weekly, and monthly audits of critical tasks in order to ensure that Purcellville Police Department employees are maintaining best practices.
- (12) Audit and update the process by which the Department receives and investigates citizen complaints to ensure fairness to those who seek address as well as fairness and protections for the men and women who serve the Purcellville Police Department.

- (13) Understand, acknowledge, respect and leverage the institutional and relational leadership roles within the Department. The relational leaders within the organization must be ready, willing, and equipped to support the Chief of Police and the organizational strategy set out by the Town Manager.

In summary, policing is a humbling and honorable profession that requires a constant and continued renewal to the values and principles to which officers commit as part of their personal and professional obligations. The much-anticipated success of the Town of Purcellville Police Department will largely depend on the willingness of its membership to embrace a renewed promise of trust, communication, teamwork, and an unyielding commitment to the community they have individually and collectively sworn to serve. In addition, the success of the Department will depend largely on the recommended changes with respect to the Department's operational, departmental and physical infrastructure.