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RESOLUTION NO. 13 –147

RESOLUTION CONCURRING IN THE CITY MANAGER'S RELEASE OF PERSONNEL INFORMATION

WHEREAS, a Lieutenant with the Asheville Police Department held a press conference on June 25, 2013, wherein he alleged that he felt coerced by his superiors to "submit to a set of facts and circumstances that were clearly false and misleading;" and

WHEREAS, the Lieutenant also alleged that that statements from his superiors were not in an investigative file; and

WHEREAS, the City Manager has conducted a thorough administrative investigation into the allegations made by the Lieutenant, and the City Manager has determined that the release of certain information covered by N.C.G.S. 160A-168, the Personnel Privacy Act, is essential to maintaining public confidence in the administration of City Services, as set forth in Exhibit A, attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to N.C.G.S. 160A-168 (c) (7), the Asheville City Council hereby concurs with the City Manager's release of certain personnel information contained in Exhibit A, attached hereto; and, to the extent of any prior release of such information, ratifies and concurs in said release.

Read, approved and adopted this 11th day of July, 2013.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

Interim City Attorney

Magdalen Bruleson
City Clerk

EXHIBIT "A"

STATEMENT OF THE CITY OF ASHEVILLE REGARDING ALLEGATIONS OF COERCION, COVER-UP, MANAGEMENT AND EMPLOYMENT RELATED CONCERNS WITHIN THE ASHEVILLE POLICE DEPARTMENT

The Asheville City Council ("City Council") takes tremendous pride in the men and women of the Asheville Police Department (Department). They are a group of highly trained professionals and dedicated public servants, reporting for duty around the clock, frequently risking their lives in service to this community. On Tuesday, June 25, 2013, a Lieutenant with the Department held a press conference wherein he alleged that he felt coerced by Chief William Anderson and Captain Stony Gonce to "submit to a set of facts and circumstances regarding the accident involving his (the chief's) son that were clearly false and misleading." The Lieutenant went on to allege that statements from Chief Anderson and Captain Gonce regarding the accident were not in the investigative file. The Lieutenant also stated that the City Manager and Deputy City Manager failed to act on his June 17 and June 24 complaints. The City Manager, as the City's chief administrator in charge of directing and supervising the administration of all City departments and making all employment related decisions, has conducted a thorough investigation into the Lieutenant's allegations.

In accordance with the advice from the Interim City Attorney, the City Council is satisfied that: (1) any and all allegations made by the Lieutenant regarding the SBI interview or missing documents from the SBI file are criminal matters, regarding which the City defers to the judgment of the Buncombe County District Attorney; and (2) that any and all allegations made by the Lieutenant regarding specific employees is confidential personnel information within the meaning of NCGS §160A-168 and may not be disclosed except as allowed by law. Additionally, the City Manager has satisfied the City Council that: (1) the Lieutenant 's

grievances were handled timely and in accordance with City Personnel Policies; and (2) that as it pertains to the Lieutenant's allegations of general operational and administrative concerns within the Department, an action plan has been developed to work towards moving the Department forward. The City Manager will share an overview of this plan.

As expressed by the City Manager, there is concern about the accuracy and completeness of the information included in the Lieutenant's public statement on June 25, 2013. More specifically, the City Manager has indicated that the absence of a detailed response from the City to the specific allegations made by the Lieutenant during the June 25, 2013, press conference will force the citizens of Asheville to accept the statements made by the Lieutenant, as representative of the manner in which the City manages its employees and provides essential City services. Based upon the foregoing, the City Manager has concluded, and the City Council concurs, that disclosure of certain personnel information surrounding the administrative investigation into the written allegations made by the Lieutenant, in accordance with NCGS §160A-168(c)(7), is essential to maintaining public confidence in City services, in particular the services provided by the Police Department. Due to the constraints of said statute, the City is not able to release a more detailed response; however, the following account should provide those citizens that have expressed concern about the allegations made by the Lieutenant at the June 25, 2013, press conference, and others, a more accurate depiction.

Between June 27, 2013, and July 9, 2013, City staff invested over twenty (20) hours, interviewing a number of City employees including but not limited to Lieutenant William Wilke, Chief Anderson and Captain Gonce. The following limited findings of fact were derived from the interviews:

1. On March 14, 2013, did Chief Anderson and Captain Gonce attempt to manipulate or coerce Lieutenant William Wilke to "submit to a set of facts and circumstances regarding the accident involving Chief Anderson's son that were clearly false and misleading?"

   FINDINGS: No. Additionally, the City Manager concurs with the District Attorney's determination that no criminal laws were violated in the course of the investigation of the accident.

2. On March 14, 2013, when the Chief of Police ordered Lieutenant Wilke to his office, did the Chief of Police violate any City or Departmental policies or procedures?

   FINDINGS: While there are no City or Department policies or procedures that address this issue, the conduct was not appropriate, and this issue has been addressed with Chief Anderson by his supervisor.

The City acknowledges that the administrative investigation revealed that there are concerns within the Department regarding general management practices, some of which commenced prior to the March 9, 2013, incident. Subsequent events following the March 9, 2013, incident exacerbated those concerns. In closing, the City takes very seriously its obligations to comply with the personnel privacy laws. Therefore, the City must refrain from disclosing additional information pertaining to the administrative investigation. It is hoped that the foregoing information will give the citizens of Asheville, who have expressed concerns about the allegations made by the Lieutenant at the June 25, 2013, press conference, sufficient information to make a more informed opinion regarding the same, thereby causing the public to maintain confidence in the City's administration of City services, particularly those services provided by the Police Department.