

# V O T E - O F - N O - C O N F I D E N C E

## *Against Watauga Police Chief, Rande Benjamin*

In 2007, the City Council appointed Rande Benjamin to serve as the Police Chief for the City of Watauga. The Watauga Police Officer Association (WPOA) now asks the City Council to reconsider that appointment. The WPOA believes Chief Benjamin is unfit for command based on three primary reasons; 1.) Unjust disciplinary actions, 2.) Policies which are contrary to effective law enforcement, 3.) Untruthfulness and dishonesty.

The WPOA petitions the City Council and the City Manager to place Chief Rande Benjamin on administrative leave, while a thorough investigation is conducted of the alleged misconduct. It is the belief of the WPOA that immediate action by the City Council and the City Manager is essential to prevent retaliatory actions by Chief Benjamin.

### **Unjust Disciplinary Actions**

The Watauga Police Code of Ethics requires that an officer will never "act officiously or permit personal feelings, prejudices, [or] animosities" to influence the officer's decisions. The WPOA believes Chief Benjamin has repeatedly violated the Code of Ethics by allowing his personal feelings and animosities to influence his decision to initiate internal affairs investigations and to proclaim harsh punishments.

Chief Benjamin has verbalized his negative personal feelings and animosities against members of the Watauga Police Officer Association. Chief Benjamin told a WPOA board member, "If the WPOA wants a war, they will have one."

The WPOA asserts Chief Benjamin acted out of personal animosity against former Watauga Police Officer Scott Thorne on multiple occasions. The WPOA believes Chief Benjamin violated WPD Policy 300.09(B.)(1.)(m.) by repeatedly taunting, belittling, and intentionally humiliating WPOA Member, Officer Thorne.

Chief Benjamin violated Watauga Policy when he disciplined WPOA member, Officer Justin Strube, following a minor crash. Per policy, an accident review board investigated the crash. The board recommended two days of on-duty training, and specified that punitive disciplinary action should not be taken. Chief Benjamin disregarded the board's recommendation and violated policy when he suspended Officer Strube from all off-duty work for six months. Per Watauga Policy 300.13(C)(4.), discipline must be in accordance with General Order 300.09, "Code of Conduct". Suspension from off-duty work is not one of the 7 forms of allowable discipline. Chief Benjamin is required to discipline officers in accordance with Chapter 143 of the Local Government Code (Watauga Policy 300.18(H.)(1.)) and each officer must have the right to appeal the discipline (300.18(H.)(8.)). Chief Benjamin intentionally violated Watauga policy by issuing a non-appealable form of extreme discipline which is not recognized by Civil Service rules.

Chief Benjamin has used non-appealable discipline on another occasion. WPOA President, Officer Bobby Parham, had tested for, and been awarded, a promotion to the Criminal Investigations Division. Officer Parham, a member of the Policy Review Committee, openly opposed Chief Benjamin's restrictive pursuit policy. Chief Benjamin told Officer Parham he was "sending a message" by revoking Officer Parham's promotion.

Two officers were recently disciplined for violating the restrictive pursuit policy. Both officers testified they believed they were pursuing a felon who posed an immediate threat to public safety. Chief Benjamin ordered a 15 day suspension against WPOA member, Officer Todd Attebery. Chief Benjamin ordered a 2 day suspension against non-association member, Officer John Shaw. The WPOA believes both disciplines were unfair.

Chief Benjamin violated policy when he recently conducted a 42 day investigation of Officer Parham. WPD Policy 300.18(D.)(4.)(b.) requires all internal affairs be completed within 30 days. Chief Benjamin did not sustain the allegation against Officer Parham, which he personally initiated. The WPOA believes Chief Benjamin intentionally targeted Officer Parham for an unfounded internal affairs investigation.

The Watauga Police Statement, which can be found on the City's website, says we "respect, care about, trust and support each other" and that we "keep our perspective and sense of humor". The statement claims "we cultivate our best characteristics: initiative, enthusiasm, creativity, patience, competence, and judgment." The WPOA does not believe Chief Benjamin reflects the values of our Department, as described in the WPD Statement. Officer morale is extremely low, based on a belief that investigative police work is more likely to be punished than rewarded.

#### **Policies Contrary to Effective Law Enforcement**

WPD Policy 200.04(A.) states, "Police Officers must be allowed to have freedom to make decisions, or use discretion, in the performance of their duties." The WPOA believes Chief Benjamin violates the very nature of this guideline by initiating overly restrictive and counter-productive law enforcement policies. WPD Policy 100.07 explains the need for a Policy Review Committee to review and improve policies. When the Policy Review Committee began seeking major changes to the restrictive pursuit policy, Chief Benjamin cancelled all committee meetings.

The Policy Review Committee has not been consulted in the recent General Order which greatly restricts an officer's use of consensual searches. According to section 100.07(B.), the Policy Review Committee shall serve as the final authority over the contents of the General Orders Manual, subject only to the Chief. The WPOA believes Chief Benjamin has intentionally prevented involvement by the committee because the committee does not approve of the restrictive nature of policies which unnecessarily remove officer discretion and the decision making ability of front-line supervisors.

The WPOA also believes Chief Benjamin has relied on non-expiring "General Orders" as a way of by-passing the required approval of the City Council for policy changes.

#### **Untruthfulness and Dishonesty**

WPOA members questioned why surveillance cameras were positioned in the Watauga Patrol Room long before they were ever installed in the Suspect Interview Room. WPOA Members suspected Chief Benjamin was using the guise of security to spy on his subordinates. Officers were repeatedly told by Chief Benjamin and by both Lieutenants that there were no audio recordings of the patrol room. Officers, at-first, believed the Chief and Lieutenants and felt the patrol room was a place where one could speak freely. When a flat, pin-hole, device was discovered in the patrol room ceiling, Officers again began questioning whether a secret microphone was capturing private conversations. Again, Officers were told the only microphones in the police building were located in the jail and the interview room.

One officer made contact with an audio-video installer who was adding equipment in the Watauga Jail. The installer admitted he had personally installed a hidden, but very powerful microphone in the patrol room ceiling. The installer said Lieutenant Bill Sink instructed him to deceive officers by saying there were no microphones in the patrol room. The installer commented he didn't think people's conversations could be legally recorded without their knowledge. The WPOA asserts Chief Benjamin violated WPD Policy 300.09(B).(1).(m.) which clearly states untruthfulness and dishonesty will not be tolerated.

#### **A Unanimous Vote of NO Confidence**

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There are currently 29 full time, non-administrative Police Officers in Watauga. This number includes all Patrolmen, Motor Officers, Detectives, Warrant Officer, Community Services and Sergeants. Though the WPOA has formally brought this vote, all 29 Officers, both members and non-members, were allowed to and did in fact each individually choose to add their names to this Vote of NO Confidence against Chief Benjamin. This vote is brought with the hope of immediate action by the City Council and the City Manager. More specific complaints are being collected by our attorneys and will be made available to the Council upon request.

Watauga Police Officer Association

Vote of NO Confidence

Signed

1. Jon DeMa #226
2. Frank Arvies #240
3. ~~[Signature] #233~~
4. ~~[Signature] #239~~
5. ~~[Signature] #241~~
6. Jim J. #242
7. ~~[Signature]~~
8. ~~[Signature]~~
9. B. J. #211
10. C. J. #218
11. E. J. #116
12. B. J. #199
13. ~~[Signature] #171~~
14. D. Jones #238
15. S. Hubman #179

16. J. J. #156
17. R. J. #183
18. ~~[Signature] #198~~
19. ~~[Signature] #245~~
20. ~~[Signature] #167~~
21. W. Allen #230
22. Max Muller #216
23. ~~[Signature] #237~~
24. ~~[Signature] #231~~
25. ~~[Signature] #214~~
26. ~~[Signature] #243~~
27. ~~[Signature]~~
28. ~~[Signature] #202~~
29. John Ham #241