

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

MICHELE WILLIAMS,

Plaintiff,

No.: D-101-CV-2020-02637

vs.

Case assigned to Ellenwood, Kathleen McGarr

CITY OF SANTA FE, and ALAN WEBBER
(in his official capacity as Mayor of the City of Santa Fe),

Defendants.

**COMPLAINT FOR DEFENDANTS' VIOLATION OF THE
WHISTLEBLOWER PROTECTION ACT AND DAMAGES**

Plaintiff Michele Williams, by and through undersigned counsel of record, brings this Complaint against Defendant City of Santa Fe and Alan Webber for violations of the New Mexico Whistleblower Protection Act and for recovery of damages caused by Defendants.

I. INTRODUCTION

1. In late 2019, Plaintiff Michele Williams's career with the Santa Fe Police Department ("SFPD") constructively came to an end following her communications concerning improper, if not unlawful, conduct by personnel employed by her employer, the above referenced Defendants. Upon Ms. Williams's communications to her employer concerning acts of alleged time sheet fraud and SFPD evidence room improprieties, Ms. Williams was summarily moved from her position as a patrol supervisor to an administrative position which had previously not existed in the SFPD and where she supervised nobody.

2. In this matter, instead of heeding the communications conveyed by Ms. Williams, Defendants retaliated against and harmed her with various economic, professional, and emotional distress injuries in violation of the New Mexico Whistleblower Protection Act ("WPA") by placing

her in a situation where her career with the department was constructively over. In short, Defendants, retaliation for Ms. Williams's whistleblowing communications, constructively discharged her from SFPD.

In support of this Complaint, Ms. Williams states the following:

II. PARTIES, JURISDICITON, AND VENUE

5. Michele Williams ("Ms. Williams") is a resident of Santa Fe County, State of New Mexico. At all times material to this complaint, the actions described herein occurred during the time period when Ms. Williams was employed by the City of Santa Fe as a SFPD police Lieutenant, and as such was a "public employee" of Santa Fe within the meaning of NMSA 1978, § 10-16C-2(B).

6. Defendant City of Santa Fe ("City") is a government entity and political subdivision operating under the authority of the laws of the State of New Mexico and as such was a "public employer" of Plaintiff within the meaning of NMSA 1978, § 10-16C-2(C)(2).

7. Alan Webber is a resident of Santa Fe County, State of New Mexico. Furthermore, at all material times, Defendant Webber was the Mayor of the City of Santa Fe, was the city's chief executive, and had signature authority over personnel actions concerning SFPD employees and as such was a "public employer" of Ms. Williams within the meaning of NMSA 1978, § 10-16C-2(C)(2).

8. As a court of general jurisdiction, and pursuant to Article VI, Section 13 of the Constitution of the State of New Mexico, this Court holds jurisdiction over this matter.

9. As the issues and actions alleged in this Complaint all occurred in the County of Santa Fe, pursuant to NMSA 1978, § 38-3-1 venue is proper in this Court.

10. Allegations against Defendants include violations of the New Mexico Whistleblower Protection Act, NMSA 1978, § 10-16C-1 *et seq.*

11. Claims herein are not barred by any statute of limitations nor any affirmative defenses.

12. Should Defendants' proffer any affirmative defenses, and upon information and belief they are without the ability to offer any, Ms. Williams demands strict proof in support thereof.

13. Defendant City and Defendant Webber are bound to obey laws of the State of New Mexico and common law.

II. STATEMENT OF FACTS

14. Defendant City is a government entity organized under the laws of the State of New Mexico. The SFPD is the City's police department and operates in a paramilitary personnel structure.

15. Defendant City and SFPD have various standard operating procedures and personnel regulations which include, or included at all times material to this action, requirements to comply with all federal laws, state and municipal laws, rules, and regulations.

16. SFPD operates under various City of Santa Fe rules and regulations which require its compliance to both City of Santa Fe ordinances, State of New Mexico statutes, and federal law.

17. Defendants are subject to complying with the New Mexico Whistleblower Protection Act, NMSA 1978, § 10-16C-1 *et seq.*

18. Ms. Williams was an employee for the City of Santa Fe for a period of years from on or about April 16, 2001, until her undesired and accelerated retirement went into effect on April 1, 2020.

19. On or about December 17, 2018, Ms. Williams submitted a complaint regarding Robert Vasquez, a SFPD Deputy Chief of Police. At the time of her complaint, Mr. Vasquez was in Ms.

Williams's direct chain of command as she was the training and recruiting Lieutenant and he was the deputy chief of SFPD's administrative division. *See* Exhibit No. 1

20. The complaint against Mr. Vasquez alleged various improper, if not unlawful, acts of misconduct including, but not limited to:

- a. Mr. Vasquez claiming time worked when he was not at work;
- b. Mr. Vasquez failing to submit leave requests whereby he was paid regular time as if he was at work;
- c. Approval of Mr. Vasquez's timesheet by SFPD Chief of Police Andrew Padilla.

21. Ms. Williams communicated her concerns about Mr. Vasquez to Defendant City of Santa Fe's then city manager, Eric Litzenberg, because SFPD's Chief of Police signed off on Mr. Vasquez's submitted timecard and thus was involved in the concerns communicated by Ms. Williams and would be a witness in any investigation into Mr. Vasquez's conduct.

22. In submitting her December 17, 2018, complaint regarding Mr. Vasquez, Ms. Williams communicated to Defendant City her reasonable belief that Mr. Vasquez had violated City rules and regulations and may have committed a criminal offense.

23. On or about August 21, 2019, SFPD issued to Ms. Williams a determination concerning her previously filed complaint and did not sustain any of her allegations.

24. As of the filing of this complaint, it is unknown on what basis the City did not sustain the allegations concerning Mr. Vasquez's conduct as alleged by Ms. Williams as no report was ever presented to her for her review.

25. On or about July 15, 2019, Mr. Vasquez filed a charge of discrimination against Ms. Williams asserting she had discriminated against him in various forms. Upon information and belief no findings were sustained against Ms. Williams with respect to Mr. Vasquez's allegations

against Ms. Williams.

26. On or about August 16, 2019, Mr. Vasquez retired from SFPD and left employment with the SFPD.

27. On or about August 21, 2019, the same date SFPD determined there were no sustained findings against Mr. Vasquez, without any notice or discussion, SFPD transferred Ms. Williams from her position as a field lieutenant to an administrative position. In transferring Ms. Williams to this position, she was relieved of supervising any other officers and was placed in a position that, upon information and belief, had not previously existed. *See Exhibit No. 2.*

28. At the time of Defendant City's transfer of Ms. Williams's to an administrative assignment, Mr. Vasquez had retired from SFPD and was no longer working with, or otherwise supervising, Ms. Williams.

29. The basis and decision for moving Ms. Williams from her position as a field lieutenant to an administrative position was not disclosed to Ms. Williams and remains unknown.

30. On August 21, 2019, Ms. Williams was also served with notice by SFPD that she was the target of an internal affairs investigation. Absent from this notice was any disclosure to Ms. Williams as to the facts or circumstances of the given occasion which led to SFPD targeting her for an internal affairs investigation. *See Exhibit No. 3.*

31. Upon being placed in her new administrative position, Ms. Williams was no longer listed on the SFPD roster. *See Exhibit No. 4.*

32. In transferring Ms. Williams to an administrative position, Ms. Williams incurred a variety of financial losses including a five-percent (5%) shift differential in additional pay and the loss of over-time opportunities.

33. In transferring Ms. Williams to an administrative position, Ms. Williams's duties were

significantly changed as she no longer supervised any persons and was no longer engaged in active law enforcement activities.

34. In transferring Ms. Williams to an administrative position, upon information and belief, such action by Defendant City was distinctive as such a transfer is unusual and reserved for the most serious allegations of misconduct against SFPD personnel.

35. Following Defendant City's transfer of Ms. Williams to an administrative position, Ms. Williams was excluded from SFPD staff meetings

36. In June of 2019, an organization known as New Mexicans to Prevent Gun Violence ("NMPGV") held an event whereby it received firearms from citizens in exchange for gift cards/vouchers. The SFPD evidence unit functioned as the repository whereby surrendered firearms and firearm accessories were stored until they were to be retrieved by NMPGV for subsequent destruction.

37. On November 15, 2019, Ms. Williams was assigned to be the member of SFPD that would supervise and monitor NMPGV retrieving the firearms from the SFPD's evidence unit and confirm the destruction of the items.

38. Upon presenting the firearms to NMPGV, Ms. Williams and an organizer from NMPGV identified that there were at least two (2) firearms missing from SFPD evidence unit. SFPD evidence personnel attempted to replace the two (2) missing firearms with two (2) other weapons that were present but did not have any evidence tags on them. Ms. Williams objected to their inclusion and the two unlabeled weapons which were thereafter returned to the evidence room.

39. Based off of the records of the guns received by NMPGV earlier in June, Ms. Williams thereafter completed SFPD evidence tags for the two missing guns and the two un-labeled guns.

40. Ms. Williams was aware of and concerned about previous issues involving the SFPD's evidence unit's purported mishandling of evidence. Such concerns included, but were not limited to, missing evidence in high profile cases and the sharing of evidence log-in usernames and passwords.

41. Personnel from NMPGV thereafter contacted the New Mexico State Police to report the discrepancy in missing guns between what they received in their June 2019 buyback program and what they reclaimed from SFPD on November 18, 2019.

42. Ms. Williams thereafter conducted a review of NMPGV's receipts and counts of the firearms herself. In her review, she determined that there were some errors in the collection of the guns and NMPGV's records concerning those guns. Furthermore, Ms. Williams further confirmed that one of the rifles presented from the SFPD evidence unit included a rifle that did belong to NMPGV and that the other rifle was without any records.

43. Ms. Williams further raised concerns about the possibility of a NMPGV rifle that had optics mounts but was not retrieved with a scope when NMPGV reclaimed the guns on November 15, 2019.

44. On November 18, 2019, Ms. Williams submitted a memo to SFPD Deputy Chief of Police Ben Valdez concerning the SFPD evidence unit discrepancies as involved with the NMPGV gun buyback program. *See Exhibit No. 5.*

45. On November 19, 2019, a day after Ms. Williams submitted her memo to SFPD Deputy Chief Valdez about alleged improper, if not unlawful, actions in SFPD's evidence unit as related to NMPGV reclaiming guns, Ms. Williams was issued another target letter informing her that she was the target of yet another internal affairs investigation. *See Exhibit No. 6.*

46. As with the previous target letter issued to Ms. Williams on August 21, 2019, this letter

also omitted any information concerning the facts or circumstances by which she was alleged to have committed misconduct. Upon receiving the target letter, Ms. Williams was told by the Internal Affairs Lieutenant that the investigation concerned the memo Ms. Williams had previously submitted.

47. Because Ms. Williams was still on administrative assignment and because of the second internal affairs target letter being issued to her following her reporting alleged improper, if not illegal, conduct by SFPD personnel, it was clear to Ms. Williams that she had no future with SFPD.

48. Following submission of her November 18, 2019, memo concerning alleged improper, if not illegal, conduct by SFPD personnel, Defendant Webber, upon information and belief, was overheard at a city event stating that SFPD needed to “deal with Williams” or words to that effect.

49. Following submission of Ms. Williams’s November 18, 2019, memo to Deputy Chief Valdez, upon information and belief, Mayor Webber spoke with NMPGV personnel regarding the missing scope and missing gun and asserted that the scope had been found.

50. In asserting SFPD needed to “deal with Williams,” upon information and belief, Defendant Webber meant to render an adverse action upon Ms. Williams or otherwise discharge her from her position with SFPD.

51. As of the filing of this complaint, it is unknown whether the missing gun was ever found.

52. Defendants took adverse actions upon and targeted Ms. Williams in retaliation to her communications concerning improper if not unlawful conduct as committed by SFPD personnel and such actions led to Ms. Williams unplanned and undesired retirement.

53. Defendant City thus subjected Ms. Williams to emotional distress, economic harm, and

loss, including but not limited to past and future wages and benefits, attorney fees and costs, for which she now sues under the state's Whistleblower Protection Act, NMSA 1978, § 10-16C-4 *et seq.*

54. With Defendants having taken *two* retaliatory actions upon Ms. Williams for her reporting to her employer communications regarding improper, if not illegal, acts, Ms. Williams reasonably believed she had no future with the department and reasonably feared her employment would be terminated following her indefinite period of administrative assignment.

55. In an effort to avoid further injury, Ms. Williams paid approximately \$48,320.26 towards her PERA account so that she could retire from the SFPD.

56. Ms. Williams had planned to remain with the SFPD and continue promoting within the department to achieve the ranks of Captain, Deputy Chief of Police and even apply to be the department's Chief of Police one day. Such plans however were interrupted and ended by Defendants retaliatory action upon Ms. Williams.

III. CAUSES OF ACTION

Count 1

WHISTLEBLOWER PROTECTION ACT – RETALIATION UPON MICHELE WILLIAMS

57. Ms. Williams incorporates all preceding paragraphs as if fully stated herein.

58. Each Defendant is or was a public employer as defined by NMSA 1978, § 10-16C-2.

59. During all times relevant to this Complaint, Ms. Williams was a public employee as defined by NMSA 1978, § 10-16C-2B.

60. Ms. Williams twice by her reports to Defendant Santa Fe:

- a. communicated to the “public employer” or a third-party information about an action or failure to act that the public employee believes in good faith constitutes an unlawful or improper act;

- b. provided information to a public body as part of an investigation, hearing or inquiry into an unlawful or improper act; and
- c. objected to or refused to participate in an activity, policy or practice that constitutes an unlawful or improper act.

See NMSA 1978, § 10-16C-2(C)(3).

61. Ms. Williams's whistleblower, (aka protected) communications to Defendants included, but were not limited to, her November 18, 2019, memo to DCOP Valdez regarding SFPD evidence room actions and concerns about the missing gun(s) and scope.

62. Additionally, Ms. Williams's whistleblower, (aka protected) communications to Defendants included, but were not limited to, her December 17, 2018, communication to City Manager Litzenberg regarding alleged timesheet improprieties and the processing of the claimed time by Mr. Vasquez and Chief Padilla.

63. Public policy encouraged Ms. Williams to speak out concerning the misconduct by employees of Defendant Santa Fe.

64. Defendants took retaliatory actions against Ms. Williams for her communications leading to and culminating with her forced and accelerated retirement on April 1, 2020.

65. On such basis, Defendants committed whistleblower retaliation in violation of NMSA 1978, § 10-16C-3.

66. Under NMSA 1978, § 10-16C-4, Defendants are liable to Ms. Williams for actual damages, including but not limited to back pay, front pay, lost employee benefits including but not limited to retirement benefits under the Public Employee Retirement Association, and emotional distress, reinstatement with the same seniority status she would have had but for the violation, two times the amount of back pay with interest on the back pay, compensation for special damages

including emotional distress sustained as a result of the violation, litigation costs, and reasonable attorney's fees.

V. PRAYER FOR RELIEF

WHEREFORE, Ms. Williams respectfully pray this Court for judgment in her favor against Defendants as follows:

- A. Assume jurisdiction over this matter.
- B. Award Ms. Williams reasonable costs and attorney's fees.
- C. Award actual damages, lost past and future wages, lost employment benefits, lost overtime, humiliation including loss of professional reputation, standing, career advancement, loss of opportunities for promotion, emotional distress and other compensatory damages;
- D. Award Ms. Williams pre-judgment and post-judgment interest;
- E. And for such other further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Thomas R. Grover

Thomas R. Grover
GROVER LAW, LLC
9400 Holly NE, Bldg. 4
Albuquerque, NM 87122
Office: (505) 695-2050
thomas@grover-law.com
Attorney for Michele Williams



**SANTA FE POLICE DEPARTMENT
PROFESSIONAL STANDARDS DIVISION
INTERNAL AFFAIRS UNIT**

FORMAL COMPLAINT FORM

Today's Date: 12-17-18

Time: 0700

COMPLAINANT INFORMATION:

Name: MICHELE WILLIAMS

Date of Birth: _____ Age: 40

Address: 2515 CAMINO ENTRADA, SANTA FE, NM 87507

Phone Number: _____ 955-5227 _____ 819-7186
Home Work Cell

NOTE: If you are reporting this complaint on behalf of another, please explain your relationship on page 2.

WITNESS INFORMATION:

Name: NANCY JIMENEZ

Address: 2515 CAMINO ENTRADA, SANTA FE, NM 87507

Phone Number: 505-955-5008

Name: _____

Address: _____

Phone Number: _____

INCIDENT INFORMATION:

Date of incident: 11-20-18

Time of incident: 0900

Location of incident: 2515 CAMINO ENTRADA, SANTA FE, NM 87507

I am registering a formal complaint against: ROBERT VASQUEZ
(Name of Involved Employee)

NOTE: If the identity of the employee(s) you are complaining about is unknown, please provide a detailed description of him/her (i.e., gender, race, height, weight, etc.)

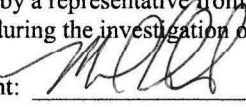
A recording (audio or video) of this incident exists: YES _____ NO _____

Note: If yes, please identify who is in possession of the recording: _____

Please explain the reason you are filing this complaint. Explain in detail the alleged misconduct/action of the employee(s) and include the identity and contact information (address, phone number) of any witnesses that were not identified on page one of this complaint form. If additional space is required, please attach a separate sheet.

SEE ATTACHED.

To the best of my knowledge, the information provided in this complaint is true and factual. I understand that I may be contacted by a representative from the Santa Fe Police Department in order to provide additional information during the investigation of my complaint.

Signature of complainant:  _____

Employee accepting complaint: _____

On Tuesday, November 20th, 2018 I received a text message from Deputy Chief Robert Vasquez stating "I'm out of the office today" around approximately 12:57pm. DC Vasquez was my direct supervisor on that date. I later learned he also communicated, via text message, with another subordinate, Nancy Jimenez, Police Department Fiscal Administrator, that he would not be at work on November 20th, 2018 to stay home with his son (presumably sick leave).

I submitted a public records request to the City of Santa Fe on December 7th, 2018 for "all timesheet records for Police Department employee Robert Vasquez for the pay period of 11/30/18 to 12/14/18. Include Kronos timekeeping records, all approved/denied leave requests (P30s), and roster showing appropriate codes for present, vacation, sick, etc." I received a response which included DC Vasquez' time card for the pay period covering 11-17-18 through 11-30-18, a leave slip for November 26th, 2018 which was approved by Chief Padilla on 12-3-18, and a copy of his "absence record for 2018" which included the notation of "P" for present on November 20th, 2018.

DC Vasquez communicated to two of his subordinates on November 20th, 2018 that he was on leave and not in the office on this date. However, all time records show he did not submit a leave request for this date and he was paid as if he was present at work. This is likely a violation of city rules and regulations and could denote fraud.

M. Williams

12-16-18

Santa Fe Police Department

Special Order

DATE: August 21, 2019

TO: All Police Personnel

VIA: AP (8/21/19)
Andrew Padilla, Chief of Police

FROM: B Valdez DC 8/21/19
Ben Valdez, Deputy Chief of Police

RE: Personnel Transfer

Special Order # 8-19-18

The following transfer will be effective **immediately**:

- **Lieutenant Michele Williams** will transfer to Police Administration under the command of Deputy Chief Valdez.

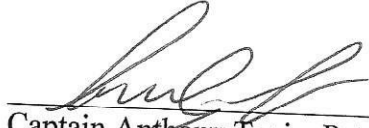
The transfer is in accordance with Directive 20.1.01 *Transfers within Classification* paragraph A.

Sergeants assigned to Swing Shift will report to Captain Tapia until a lieutenant is assigned to Swing Shift in the coming weeks.

If you have any questions, please feel free to contact me at ext. 5040.

City of Santa Fe New Mexico

Memo

DATE: August 21, 2019
TO: Lieutenant Michele Williams
FROM: 
Captain Anthony Tapia, Patrol Division
RE: Internal Affairs Investigation # 19-05

.....
This memorandum shall serve as notice that you have been identified as the **TARGET** of an Administrative Investigation as a result of a complaint of policy/procedure violation.

The investigation will seek to determine adherence to department policy/procedure including, but not limited to, the following areas:

Premise One:

Directive 23.1 Personnel Code of Conduct, Section 23.1.25 General Guidelines Regarding Departmental Business, paragraphs A & B, subsections 1-6.

Premise Two:

Directive 23.1 Personnel Code of Conduct, Section 23.1.13 Insubordination, paragraph A subsection 2.

As the target of an Administrative Investigation, for employment purposes, you will be compelled to answer questions specifically, directly, and narrowly relating to the performance of your official duties, which you are required to answer truthfully.

As a target of an Administrative Investigation, you are entitled to certain rights. Your rights and obligations are outlined in the Department Directives (Directive Number 26.1). Your compelled answers will not be used against you in any criminal proceeding.

You are to contact my office at extension 5286, to schedule an interview. You may also contact my office to answer any questions you may have concerning your rights and obligations, and/or if you require assistance locating the referenced Department Directives.

**SANTA FE POLICE DEPARTMENT
PROFESSIONAL STANDARDS DIVISION
INTERNAL AFFAIRS
Acknowledgement of Receipt**

I, Michele Williams; hereby acknowledge receipt of a Target letter signed by Captain Anthony Tapia in reference to IA 19-05 and dated 8/21/19.

I also agree that there will be no duplications of these documents unless such duplication is required for presentation of exhibits in any formal proceedings related to this case.

Signed: 

Date: 8-21-19

Witness: B. Vance DC 8/21/19

SFPD Extension List

ADMINISTRATION OFFICE		INVESTIGATIONS (CID)		OPERATIONS	
Chief Andrew Padilla	5102	Captain Anthony Tapia	5286	Captain Matthew Champlin, Patrol	5201
Deputy Chief Ben Valdez	5040	VIOLENT CRIMES UNIT		Lt. David Webb (Support Ops)	5257
Deputy Chief Paul Joye	5355	Sgt. Bryan Martinez	5226	Sgt. Celestino Lopez, Bike Team (Support Ops)	5688
Jessica Pfeifer, Administrative Manager	5074	Det. Lisa Champlin	5044	Sgt. Chris Reynosa, Traffic Team (Support Ops)	5687
Greg Gurule, Public Information Officer/IPRA	5009	Det. Anthony Guerrero	5230	Sgt. Lawrence Barnett/DWI Team (Support Ops)	5291
Tara King, Admin. Assistant	5004	Det. Rebecca Hilderbrandt	5265	TEAM OFFICES	
SFPD Automated Line (Main)	5010	Det. Jacob Parrish	5203	Lt. Aaron Ortiz (Day)	5283
		Det. Luke Wakefield	5406	Lt. Brian Rodriguez (Swing)	5384
		Det. Stephen Cosban	5215	Lt. Jose Gonzales (Graveyard)	5231
Anna Marie Bowen, Fiscal Administrator	5122	PROPERTY CRIMES UNIT		Day Shift	5035
Amy Esquibel, Admin. Assistant	5011	Sgt. Jared Allire	5389	Swing Shift	5089
		Det. Byron Campbell	5212	Graveyard Shift	5087
Laura Vigil, Accounting Supervisor	5086	Det. Erica Montoya	5282	Briefing Room	5061
Dorothy Ortiz, Records Tech	5033/5752	Det. Derrick Romero	5336	Common Bay 5310/5311/5312/5313/5314/5315/5316/5317/5318	
Angelina Garcia, Admin. Assistant	5175	Sgt. Cipriano Varela	5252	Desk Officer/Front Lobby	5024
Amanda Grundler, Admin. Assistant	5006	Det. Julian S. Martinez	5177	ANIMAL SERVICES	
		Det. Ryan Romero	5344	Chris Smith, Supervisor	2702
Eric Sanchez, Fleet Manager	5085/5036	Det. Samantha Talamante	5383	Dani Woodman, Admin. Assistant	2708
Rich Bemis, Facilities & Evidence Manager	5030	SVU		CITY PROSECUTOR	
Ronald Fremier, Evidence Technician	5029	Sgt. Amanda Montano	5254	Kyle Hibner, Attorney	5195
Ken Lowrie, Evidence Technician	5031	Det. Jacqueline Arroyo	5410	Justine Hines, Paralegal	5194
		Det. Blake Byford	5225	RECC	
Maria Martinez, Administrative Manager	5762	Det. Jill Feaster	5281	Vanessa Marquez	992-3013
Christine Aragon, Record's Tech Lead	5759	Det. Ian Freeman	5418	DISPATCH/NON-EMERGENCY (x5080)	428-3710
(IPRA @ PD) (Vacant)	5244	Det. Erik Ramirez (ICAC)	5272	MISCELLANEOUS NUMBERS	
Kim Rivera	5754	Det. Jessica Sanchez (ICAC)	5240	Risk Management	5627
April Sanchez	5760	Det. Tony Trujillo	5067	Celeste Valentine, Exec. Admin. Assist./City Manager	6848
Marlene Segura	5753	NARCOTICS UNIT		City Clerk's Office	6521
Angel Vialpando	5756	Sgt. Jimmie Montoya Region III (473-7020)	5253	City Manager's Office	6509
Heather Wendt	5761	Det. John DeBaca Region III (473-7020)	5324	Mary Fritas, Exec. Admin./Mayor's Office	6700
Reception Desk	5751	Det. Cyle Drury Region III (473-7020)	5325	Fire Department Office	3110
		CRIME SCENE UNIT		Graffiti Hotline	2255
Lt. Sean Strahon	5007	CST Karen Mascarenas	5077	Human Resources	6602
Sgt. Faron Rodriguez	5300	Officer Maria Tena	5289	Payroll	6541
Janelle Martinez, Training Administrator	5056	Officer Rick Yzquierdo	5237	Adult Detention Center (Booking 428-3232)	471-4941
Officer William Cordova (Training)	5218	CRIMINAL INTELLIGENCE & ANALYSIS UNIT		DA's Office	827-5000
Officer Corrine Jones (Recruiting)	5236	Officer Christopher Abbo	5219	First Judicial District Court	455-8250
Officer Gerald Lovato (PCR)	5258	Det. John Miles	5328	Jail	471-4941
Officer Anthony Currey	5393	Det. Casey Salazar	5299	Magistrate Court	986-5866
Training Room	5062	(vacant)		Municipal Court	984-99
Frank Rute, Intern Coordinator	5350	ADMINISTRATIVE STAFF		Public Defenders	955-50
Armory	5058	Charlene Valdez, Admin. Assistant	5038	Sheriff's Department	986-24
		Jennifer Munoz, Police Liaison	5066	State Police	827-900
ITT/FAX INFORMATION				Crime Stoppers	955-50
Tristan Tortorici, ITT Support	5367	PROFESSIONAL STANDARDS		DPS (Department of Public Safety--Fingerprinting)	827-918
		Lt. Thomas Grundler	5359	DRUG TIP HOTLINE 428-3737	
PIO/IPRA-Greg Gurule FAX	5052	Lt. Chris McCord	5305		
Admin-Chief's Office /Investigations FAX	5127	Jessica Martinez, Admin. Assistant	5176		
Chief's Conf Room Ext.	5101				

EXHIBIT #4

that effect. I told him we would not do that. Those firearms were subsequently returned to him, with a new evidence tag and returned to the evidence room. The evidence tag was labeled at page 10 and the same case number as the buyback was used (19-008108). One firearm was a Ruger .44 rifle with a serial number of 102-90190 and the other was a Calico .22 rifle with a serial number of D002418.

Ms. Viscoli also told me she believed there was 138 guns purchased on the day of the gun buyback. I asked Mr. Bemis if there was another evidence tag or more firearms and he said 'no'. I told him to go get Lt. Strahon to the back parking lot where we loaded the guns due to the discrepancies. Mr. Bemis seemed reluctant to do so but finally yielded. Lt. Strahon came outside and I explained to him that Ms. Viscoli was missing 2 guns from the list and possibly 5 total and that she had 2 guns in her possession which appeared to still belong in the evidence room. Lt. Strahon and Mr. Bemis continued to state 'that's all the guns', 'they've been in the evidence room the whole time', and words to that effect. Shockingly, their dismissiveness became uncomfortable for Ms. Viscoli, Don, and I so we opted to leave with the guns she did have, in tow. I completed an evidence tag regarding the missing guns and the 2 guns returned and we left.

Upon arrival to the location where the firearms were to be destroyed, Ms. Viscoli, Don, and I discussed the missing firearms. At this time she stated she felt she had to contact New Mexico State Police as she did not want to take responsibility for missing weapons. The attitudes of Lt. Strahon and Mr. Bemis lead me to believe we did not have them in the evidence room and the weapons were missing.

At this time, Don also shared with Ms. Viscoli and I that he identified a handgun, labeled as item number 86, as having a missing scope. Furthermore, Don stated he recalled the handgun on the day of the gun buyback as having a scope on it and saw it had been removed. He identified Mr. Bemis as the person who left the room with the firearm during the event and returning with it a short time later with the scope gone. Don confronted Mr. Bemis about it at that time and asked where the scope was, to which Mr. Bemis replied, 'the Santa Fe Police Department has commandeered it', or words to that effect.

Ms. Viscoli secured the firearms until New Mexico State Police could document the concerns listed above. NM State police were aware at the time of Ms. Viscoli's report to them that there were missing firearms and a stolen scope and that it appeared Santa Fe Police Department staff may have been responsible. The Sergeant on duty stated he would rather discuss it with Lt. Strahon about the missing firearms and not make a report with Ms. Viscoli yet. On Saturday, November 16th, 2019, I assisted Ms. Viscoli and Don with a more thorough inventory of the items.

Upon a thorough check and count of the firearms, I learned the following:

-Ms. Viscoli confirmed her records showing 135 gift cards were handed out for the gun buyback event (there was not an additional 3 missing/unknown firearms)

-Item number 135 was labeled twice on two separate long rifles, one rifle matched the serial number, make and model which should have been labeled as item 134, which was previously identified as missing.

-The firearm listed as item number 4 was incorrectly labeled. It had a red tag, showing number 4, but really matched the item listed in number 6 based upon the make, model, and serial number.

-The firearm labeled as number 3 was incorrectly labeled and should have been marked as item number 4 based upon make, model, and serial number.

-The returned rifle identified to the evidence room and labeled as the Calico .22 rifle with a serial number of D002418, was not labeled at all and should still be returned to Ms. Viscoli, for destruction, from our evidence room, as it was identified as the item described under number 3.

-The other rifle returned to the evidence room (Ruger .44 rifle with a serial number of 102-90190) cannot be accounted for as being associated with the New Mexicans to Prevent Gun Violence gun buyback. It did not have an evidence tag associated with it and it is unknown to me if this item is possibly evidence or should be stored, saved, etc otherwise by our agency. I suspect Mr. Bemis, Don, and I at least handled this firearm and should submit to DNA or fingerprint testing should this firearm be discovered as belonging to a criminal matter. Please notify me if I am required to submit a supplemental report regarding my handling of this firearm, if need be.

-Item number 86 does have scope mounts on it but it currently does not have a scope on it. I do not have first-hand knowledge of the alleged larceny of the scope other than the statement made by Don. I can confirm the firearm was removed from evidence on Friday, November 15th, 2019 without the scope.

-I witnessed there were 128 firearms destroyed by Ms. Viscoli and her volunteers on November 16th, 2019 (and additional 5 firearms were set aside to confirm if a historian had reviewed them). The firearm with the missing scope remains intact due to pending investigation(s). The Calico firearm in the Santa Fe Police Department evidence room may be returned to Ms. Viscoli for destruction.

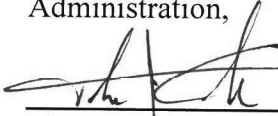
I am providing this documentation in order to make a determination if a further review of this matter is warranted.

City of Santa Fe New Mexico

Memo

DATE: November 19, 2019

TO: Lieutenant Michele Williams,
Administration,

FROM:  11-19-19
Lieutenant Thomas J. Grundler,
Professional Standards Division

RE: Internal Affairs Investigation # 19-07

.....

This memorandum shall serve as notice that you have been identified as a **TARGET** in an Internal Affairs Investigation.

The investigation will seek to determine adherence to department policy/procedure including, but not limited to, the following areas:

1. **Directive 25.1 Responsibility of Department Members, Section 25.1.09 Responsibilities of the Commanding Officer, Subsection A:**
2. **Directive 23.1 Personnel Code of Conduct, Section 23.1.03 Unbecoming Conduct, paragraphs A & B, subsections 1-3:**
3. **Directive 17.1 Compensation, Section 17.1.09 Other Compensation:**

As a target of an Administrative Investigation, for employment purposes, you will be compelled to answer questions specifically, directly, and narrowly relating to the performance of your official duties, which you are required to answer truthfully.

As a target of an Administrative Investigation, you are entitled to certain rights. Your rights and obligations are outlined in the department directives (Directive Number 26.1). Your compelled answers will not be used against you in any criminal proceeding.

I will contact you to schedule an interview. You may also contact my office to answer any questions you may have concerning your rights and obligations, and/or if you require assistance locating the referenced Department Directives.

SANTA FE POLICE DEPARTMENT
PROFESSIONAL STANDARDS DIVISION
INTERNAL AFFAIRS
Acknowledgement of Receipt

I, Michele Williams, hereby acknowledge receipt of a Target letter signed by Lieutenant Thomas J. Grundler, in reference to Internal Affairs Investigation # 19-07 and dated on November 19, 2019.

I also agree there will be no duplications of these documents unless such duplication is required for presentation of exhibits in my formal proceedings related to this case.

Signed:  _____

Date: 11-19-19 _____

Witness:  _____