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BRENHAM POLICE DEPARTMENT

1800 LONGWOOD DRIVE



To: Sergeant Joe Merkley
From: Craig U. Goodman
Subject: Disciplinary hearing – IA 17-215
Date: August 3, 2017

In the afternoon of July 25, 2017, you (Sergeant Joe Merkley) were made aware of an internal investigation in which it had been alleged you acted inappropriately with a civilian employee. [REDACTED] alleged she was the victim of sexual harassment and named you as the offender. For internal investigative purposes, a list of questions were provided to you by Captain Dant Lange and your responses have been evaluated.

You acknowledged making inappropriate comments of a sexual nature to [REDACTED] and that the behavior was reciprocated by her. You also acknowledged that these inappropriate comments/behaviors occurred during on-duty hours using a city owned cell phone, desktop computer and/or assigned patrol vehicle.

On the date you were informed about the allegation, you made a comment to Chief Goodman and Captain Lange that it was you who was the victim of sexual harassment. The investigation revealed you made no attempt to inform a supervisor that you were the victim of sexual harassment. In addition, you admitted that you had purposely deleted any and all evidence (text messages and emails) related to this relationship and its circumstances.

The internal affairs investigation and digital evidence revealed that your actions violated the following Brenham Police Department policies:

Policy 1.1 Mission, Values, and Written Directive System III. Agency Mission and Values
A. Mission 1. The mission of the Brenham Police Department is to proudly serve the community by protecting our citizens, enforcing the law, and working in partnership with the public to enhance the quality of life by holding ourselves to the highest standards of performance and ethics. VI. Compliance with Directives A. All employees of this Department shall read, adhere to, and are held accountable for all directives, policies, procedures, rules, and instructional training material.

"NO MAN IS ABOVE THE LAW AND NO MAN IS BELOW IT; NOR DO WE ASK ANY MAN'S PERMISSION WHEN WE REQUIRE HIM TO OBEY IT." THEODORE ROOSEVELT

Policy 2.1 Rules of Conduct IV. General Duties D. Performance Prohibitions 1. As

appropriate, disciplinary action may be taken for any of the following reasons: b. Insubordination, discourteous treatment of the public or a fellow employee, or any act of omission or commission of similar nature which discredits or injures the public. Insubordination may also consist of direct, tacit, or constructive refusal to do assigned work.

e. Failure to report to an appropriate superior authority incompetence, misconduct, inefficiency, neglect of duty, moral turpitude, or any other form of misconduct or negligence of which the employee has knowledge.

F. Attention to Duty 2. Duty of Supervisors. Supervisors will enforce the rules, regulations, and policies of the Brenham Police Department. They will not permit, or otherwise fail to prevent, violations of the law, departmental rules, policies or procedures. They will report violations of departmental rules, policies, or procedures to their immediate superior without delay. Where possible, they will actively prevent such violations or interrupt them as necessary to ensure efficient, orderly operations. 3. Conduct and Behavior. Employees whether on-duty or off-duty shall follow the ordinary and reasonable rules of good conduct and behavior and shall not commit any act in an official or private capacity tending to bring reproach, discredit, or embarrassment to their profession or the department. Employees shall follow established procedures in carrying out their duties as police officers and/or employees of the department, and shall at all time use sound judgment.

H. Restrictions on Behavior 24. Disruptive Activities – Employees shall not perform any action that tend to disrupt the performance of official duties and obligations of employees of the department or which tend to interfere with or subvert the reasonable supervision or proper discipline of employees of the department.

Policy 5.3 Computer and Electronic Equipment Usage and Data Security II. PURPOSE: It is the purpose of this policy to define and provide clear direction as to the allowed and prohibited uses of departmental and personal electronic computing and recording equipment, to provide for data security and retention periods, and to establish protocols for proper handling of digital evidence. B. General Prohibitions 6. Inappropriate use of electronic devices or the release or posting on the internet or various social media sites of another party's private information, or governmental information usually deemed private can lead to internal investigations and subsequent disciplinary action. **VIII. MOBILE TELEPHONES A. Department Issued Cell Phones 2.** Cell phones are to be used for appropriate departmental activities only.

After careful consideration of all the available evidence, I, Chief Craig U. Goodman, effective immediately hereby demote you from the rank of Sergeant to the rank of Corporal.

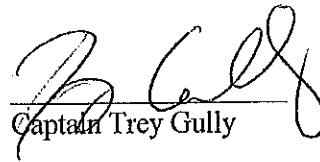
I, Sergeant Joe Merkley, acknowledge that I have received this notice of disciplinary action and that I am required to acknowledge receipt of the disciplinary action by signing this document.

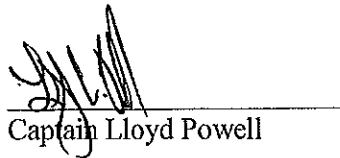
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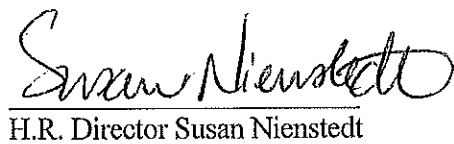
Time: 17:16


Sergeant J. Merkley


Captain Trey Gully


Captain Lloyd Powell


Captain Dant Lange


H.R. Director Susan Nienstedt


Chief Craig U. Goodman

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