



**PIMA COUNTY
MERIT SYSTEM COMMISSION
OPEN MEETING MINUTES OF JANUARY 10, 2020**

Commission Members Present:
John Fink, Chair
Mike Hellon
David Freund

All persons in attendance were asked to state their names for the record.

Barry Corey	Attorney for the Commission
Dan Jurkowitz	County Attorney for the Respondent
Lenora Anderson	Paralegal, Pima County Attorney's Office
Captain Harold Janes	Department Representative
Mike Storie	Attorney for Appellant
Lt. Joseph Cameron	Appellant
Aurora Hernandez	Recording Secretary

Mr. Freund said he considered there are three allegations, the second two are sort of the same nature.

The first is the Letter of Reprimand, did Lt. Cameron violate the March 20, 2018 order? Capt. Ponzio testified he ordered Lt. Cameron at least three times to "take it down". He did not say the Letter of Reprimand could not be displayed. The question is; was it displayed? That is what the County charged. The testimony shows Lt. Cameron was not in his office when Chief Woolridge said he saw the Letter of Reprimand displayed. It was on a desk, catawampus and to see it required a person to walk around the desk. Mr. Freund did not see it as insubordination.

There were two incidents involving recording and a Rule exits at the time of the allegations which states, "*No member of the department, shall record the conversation of another member by any means, without that persons knowledge and express permission to do so, except within authorized department investigations.*" There was testimony regarding a non-commissioned officer can't order a commissioned officer. In addition, Commissioned Officers are instructed they are always a member of the Sheriff's Department. When Lt. Cameron take the role of a union representative he is still a member of the Department. Implications are both Stephens and Johnson didn't have much to do with it and had been instructed by someone to raise the issue of that Rule. Is the Pre-action meeting conducted by the department a part of the "*authorized department investigations?*"

Mr. Hellon stated there are three things to be decided. 1) Was the Letter of Reprimand "*displayed*" the second time? If so is the discipline warranted? 2) Did Lt. Cameron disobey lawful orders on October 8th and January 22nd and if so is the discipline warranted. Capt. Janes testified the discipline was based upon one-day suspension for each of those three events. There are no witnesses to any of the events, which is a problem with respect to whether the Respondent has met their burden of proof.

Based upon all of the evidence of testimony the Commission has to consider if the pattern of discipline is consistent with normal practice. Capt. Janes and Capt. Ponzio stated discipline normally starts from the bottom of the Command structure and goes up. All of the testimony, the evidence appears to support the allegation that Chief Woolridge initiated it on his own. That is not

consistent with the normal practice. Capt. Janes testified he was pressured to recommend suspension; he was not allowed by Senior Command Staff to consider a lesser discipline. Mr. Hellon found there was not a consistent pattern of discipline in the normal practice. There were others who displayed their discipline letters and only Lt. Cameron was disciplined.

Mr. Hellon agreed with Mr. Freund "*being on display*" requires intent and did not see intent. Lt. Cameron was cleaning. For The Record the only person who actually saw this on "display" the second time was Chief Woolridge, who did not bother to come to testify. The Respondent failed to meet the Burden of Proof in respect to this allegation.

Mr. Hellon reference Exhibit 3- Bates No. 411. Pima County Sheriff's Department Rules and Regulations 4.1- Standards of Conduct. "*No member of this department shall record the conversation of another member by any means without that person's knowledge and express permission to do so except, in compliance with authorized department investigations.*" He stated recording a Pre-Action Meeting is within the Authorized Department Investigations and Lt. Cameron didn't violated that Rule and even if it's a close call. All of the testimony we received is they are always recorded. That's the pattern of practice, they are always recorded and it is appropriate they be recorded. He found no basis for the discipline.

Mr. Fink agreed Chief Woolridge targeted Lt. Cameron. If you violate the policies of the Agency then the Agency should take action, but you don't target an individual and try to set them up for violating the Department Rules. Mr. Fink agreed with Mr. Hellon that Chief Woolridge was intentionally avoiding this Commission and avoiding testifying. In regards to Sheriff Napier, he did not find clear and convincing evidence that Lt. Cameron violated the Rule.

Mr. Fink stated the Notice of Suspension without Pay listed three allegations. 1) violating the original order on taking down the Letter of Reprimand that was displayed and seen again displayed in his office. He had no reason to doubt Lt. Cameron's explanation of why the Letter of Reprimand was on the desk. It wasn't displayed or on the wall it was simply out of the trunk because he was re-organizing and cleaning his office. He had no reason to doubt that explanation. Mr. Fink disregarded the charge.

The second charge, Sheriff Napier stated the charge in regards to the October 8th meeting was incorrect. Mr. Fink did not consider it after Sheriff Napier's testimony.

The third charge in regards to the second meeting on January 22, 2019, the incorrect part of that paragraph as pointed by Sheriff Napier, was "*you were ordered by both Captains to leave the meeting and cease all your recording*" and it was just one Correction Officer Captain that stated that fact. Sheriff Napier testified, did the Correction Officer Captain state "*I order you not to record.*" He did not say those words. But Sheriff Napier said you can argue semantics. Mr. Fink said it has been his experience that is a direction from a Superior Officer. It would be ridiculous to say, "I am giving you a direct order" every time you tell a subordinate to do something.

In regards to the Department Rule and the Pre-Action meeting, Mr. Fink did not consider the Pre-Action meeting was part of the investigation. But when the Notice of Intent to suspend, demote, or dismiss is provided, the investigation at that point and time is over. A supervisor would wait until all the facts are available. Then render their opinion as to the level of discipline at that time.

Mr. Fink stated a Correction Officer Captain in the detention facility has the authority to order a Commissioned Officer. Especially, when the action is taking place within the detention facility. He acknowledged Lt. Cameron is a Commissioned Officer but he was at the facility to be a representative for Correction Officer Conrad at a Pre-Action meeting and the Correction Officer Captain was in charge of that Pre-Action Meeting.

Mr. Fink's point of view was Lt. Cameron was disciplined for three days off without pay and he did not think it was warranted. There were three distinct charges in the Notice to Suspend, two of them he gave no merit. He gave merit to the third charge that happened on January 22nd. He stated the suspension without pay was for three disciplines and based in that it should be one day without pay.

ACTION: Mr. Hellon made a motion that the discipline imposed by the Respondent not be upheld because the Respondent failed to meet the burden of proof. Mr. Freund second the motion. Mr. Fink asked for a roll call vote. Motion passed 2 – 1 with Mr. Fink voting no.

ACTION: Mr. Fink made a motion to adjourn. Mr. Hellon second the motion. Meeting adjourned at 11:58 a.m.

The minutes were prepared by the Recording Secretary. Minutes approved on May 25, 2022.

/s/ Mike Hellon, Chair