



# MEMORANDUM

To: Stephen Johnson, City Manager  
From: Rebecca Jones, Director  
Date: 3/14/13  
RE: Natacha Jean-Francois

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On January 14, 2013 Ms. Jean-Francois, Crisis Intervention Specialist in the Police department submitted a complaint with my office regarding her treatment, reprimands and counseling by Sgt. Kissel. I have completed a thorough review of her complaints. My report is attached. Please note that prior to my review, Chief Elias changed Ms. Jean-Francois to the supervision of Sgt. Brinson. My findings and recommendations are in the report. If you agree to the recommendations please advise me.

I'd like to meet with you and Chief Elias to discuss this report.

## NATACHA JEAN-FRANCOIS

### BACKGROUND

On 1/14/2013 Ms. Natacha Jean-Francois, Crisis Intervention Specialist filed a written 'appeal' or complaint with me. Her appeal stated that she was being subjected to ongoing 'discrimination', 'personal vendetta' and 'malicious intent' by her supervisor Sgt. Joseph Kissel.

She also stated in her complaint that she 'is being told to do things and adhere to rules and policies that do not even exist'.

Her complaint was specifically related to: the unit dress code- not being allowed to wear a sleeveless dress or police issued polo shirt with dress slacks; her arrival time at work; no response to grievance filed May 2102, being talked down to, and receiving a reprimand for handwriting an envelope to a client.

These were her written issues but she verbally added: not being allowed to wear open toe shoes and being sent home to change her yellow blouse (see attachment for her full complaint).

Ms. Jean-Francois has been an employee in the investigative unit since January 2011. Sgt. Kissel was promoted to Sergeant and assigned as her supervisor in the investigative unit in May 2012. Prior to Sgt. Kissel, Ms. Jean-Francois had been supervised by Sgt. J. Key. She had no complaints or disciplinary actions while under Sgt. Key's supervision.

### SUMMARY

I interviewed Ms. Jean-Francois and other employees in the NMPD investigative unit regarding her complaints.

In addition to Ms. Jean-Francois and Sgt. Kissel I also interviewed commander Croye, Sgts. Brinson and Hollant and Detectives Blumur, S. Jones, Rhymer and Tovar. All were asked about the issues that were brought to my attention by Ms. Jean-Francois in her complaint.

Most of those interviewed were aware of one or more of the complaints on some level. Some were a witness to, overheard, heard rumors about or was told about the issues by Ms. Jean-Francois. This is a very small unit with only a few employees in a small space so it would be difficult for anyone on the unit not to be cognizant of one or more of these issues.

Most of the staff interviewed felt that most of the issues were 'blown out of proportion' by the supervisors. None had ever known any other employee in the unit to be written up for handwriting an envelope. A few admitted that since the unit's clerical technician had retired that they had also handwritten at least one envelope. However, the commander and sergeants felt this was a large issue and deserved the attention that they had given it (written reprimand and discussion at unit meeting).

The majority of the staff interviewed did not want to be dubbed 'fashion police' and had not been aware of Ms. Jean-Francois' attire until she was counseled for not wearing 'business attire'. They were aware of a dress code for sworn officers but not for civilians. Other than Ms. Jean-Francois only one other female was interviewed.



The yellow blouse drew quite a bit of conversation even from those who did not see her wearing it. I heard at least three different versions of the issues related to the blouse but every story included the term 'inappropriate for work'. I was not clear which of the following deemed the blouse 'inappropriate for work': the color, the sheer fabric, short sleeves or the low cut neckline. Sgt. Brinson spoke to Ms. Jean-Francois about the top and sent her home to change.

According to most of those interviewed they could not report if Ms. Jean-Francois arrives to work on or before 8:00am. Two individuals reported that Ms. Jean-Francois had been reporting to work up to fifteen minutes late on a regular basis; however since she filed her complaint she arrives on time. They both said that upon her arrival Ms. Jean-Francois goes to the ladies room to put on make-up and style her hair for up to 30-45 minutes.

Ms. Jean-Francois complained that Sgt. Kissel treats men and women employees different. A few officers agreed with this statement. Others stated they didn't see a difference. Most were critical of his negative interaction with a female officer who is no longer in the unit.

All of the officers had the opinion that Sgt. Kissel is very smart and a great investigator. But the same officers opined that he frequently did not use acceptable tones when he communicated with them and others. He was described as having outbursts, being overbearing and raising his voice often. Most have had at least one encounter of a negative conversation with Sgt. Kissel. A few said they had on one occasion had to tell Sgt. Kissel to change his tone when addressing them. Sgt. Kissel's timing to discuss an issue or reprimand an employee was also reported to be improper at times. A few, including Ms. Jean-Francois stated they had complained to the commander about Sgt. Kissel's poor communication skills. Some reported that since Ms. Jean-Francois' removal from Sgt. Kissel's supervision it was noted that he had become 'humble'.

Ms. Jean-Francois submitted a written grievance via email to Commander Croye on 5/22/2012 to complain about what she described as a 'hostile and harassing working environment'. She did not receive a response. When I inquired about this grievance I learned that it was never sent up the chain of command for resolution. She did not pursue a resolution or inform her chain of command nor did she send a copy of the complaint to personnel.

I interviewed the supervisors in the unit: Commander Croye, Sgt. Brinson and Sgt. Kissel:

Sgt. Brinson was appointed Ms. Jean-Francois' supervisor on 1/17/13. He spoke to her about the yellow blouse and sent her home to change. This was the only issue that he spoke to her about as her supervisor. He had sat in with Sgt. Kissel as a witness for other issues.

Commander Croye stated he had directed Sgt. Kissel to handle discipline issues involving Ms. Jean-Francois. He couldn't recall if Sgt. Kissel had brought the issues to his attention or if he had initiated the review of the issues. He did recall that he was the one who found the handwritten envelope and directed Sgt. Kissel to handle it. He was not of the opinion that Sgt. Kissel had acted improperly in speaking to or issuing reprimands to Ms. Jean-Francois. Commander Croye is stickler for following business attire dress code.

Sgt. Kissel stated he had indeed spoken to and reprimanded Ms. Jean-Francois about several issues. He stated that each time he was directed to do so by Commander Croye (dress code, shoes, envelop and work hours). He stated each time he brought up an issue with Ms.

Jean-Francois she wanted to see the written policy. He agreed that there was no written dress code for her position when he reprimanded her about her attire. He did the research on business attire and concluded that sleeveless dresses and polo shirts were not business attire. He said open toe shoes were banned because they are unsafe. When asked about his communication skills he stated that people say he is 'abrupt'. He considers himself to be 'direct'. This is to lessen misunderstanding of his directive. He recalled at least one officer telling him he did not like the way he was spoken to. He did not recall having negative interactions with the female officer who is no longer in the unit. He is concerned about enforcing rules and SOPs.

## CONCLUSION

Ms. Jean-Francois was subjected to 'undue scrutiny' by the supervisors in the investigative unit. She was indeed reprimanded for rules that were not yet written or practices that she was not aware of. The counseling and reprimands did not rise to the level of harassment. There was no evidence that she was discriminated against by anyone in the unit.

## RECOMMENDATION


The written reprimand dated 12/18/12 for the handwritten envelope should be rescinded. The notice of counseling dated 5/22/12 for violation of dress code should be rescinded.

The dress code for civilian police staff be rewritten and approved by the Personnel Director prior to implementation.

Commander Croye, Sgt. Brinson and Sgt. Kissel should all attend supervisor training approved by the Personnel Director. Sgt. Kissel should attend communication training approved by the Personnel Director. All supervisors in NMPD should attend training on discrimination and harassment approved by the Personnel Director.

Ms. Jean-Francois should report to work on time dressed and ready to work. She should not be returned to the supervision of Sgt. Kissel anytime in 2013.

A copy of complaints and grievances should be sent to the Chief of Police upon receipt.

  
3/21/13