



INTERNAL AFFAIRS INVESTIGATION #2019-01

ALLEGATION(S) SUMMARY

COMPLAINT SUMMARY

Initiated January 17, 2019 – Sgt. Suzette Freidenberger at the request of Chief Shoemaker.

On January 17, 2019 at about 1000 hours, I was requested to speak with Chief Shoemaker regarding Commander David Arcady. I was notified that Commander Arcady was involved in a traffic crash earlier that morning that involved a pedestrian. I was advised Commander Arcady was coming into work and struck a juvenile pedestrian in Palisade (8th St and Kluge Ave.) while driving to work. I was advised the juvenile female [REDACTED] thus Serious Bodily Injury. I was asked by Chief Shoemaker to begin an Internal Investigation into the crash.

TIMELINE

January 17, 2019 – Request Chief Funston to lock case regarding Crash (19-81)

January 18, 2019 – Sent IA notice to Commander Arcady

January 18, 2019 @ 1615 hours – took photos of the Dodge Journey Arcady was driving at time of crash

January 19, 2019 – Requested radio traffic and 911 calls for traffic crash

January 20, 2019 – Sgt. Freidenberger took photos of scene at approximately same time of day as the crash occurred.

January 23, 2019 – Received copy of report from Det. Mark Post with thumb drive containing photos and video

January 23, 2019 – Phone call to [REDACTED] requesting to interview [REDACTED] and [REDACTED]

January 23, 2019 – Requested case to be unlocked to print out entire case and then locked again

January 23, 2019 – Left message for Andrew Nolan regarding interviews with [REDACTED] and [REDACTED]

January 24, 2019 – Phone call with Andrew Nolan regarding interviews and sent off questions for [REDACTED] and [REDACTED]

January 30, 2019 – In Palisade with Officer John Ferguson, Commander Smith, Officer Hinton, Sgts Creasy, Roquemore, and Freidenberger to run tests on vehicle driven by Arcady and obtain measurements.

February 1, 2019 – Reconstruction of crash scene with Officer John Ferguson, Trent Runquist, Jordan Huslig, Sgt. Roquemore, Sgt. Freidenberger, Commander Smith and Officer Hinton

February 7, 2019 – Spoke with Jeff Eidsness, attorney for David Arcady to set appointment for Interview with Arcady

February 12, 2019 – Interview with Commander David Arcady

INVESTIGATION SUMMARY

On January 18, 2019, I took overall photographs of the vehicle Commander Arcady was driving on January 17, 2019 when he was involved in the crash. There was very minimal damage to the vehicle and in fact I had to ask Commander Arcady if he knew what damage was caused. He was able to point out a small dent and scuff mark on the passenger side front wheel well that was possibly from the impact. I did take photos of this, however, they are very hard to see. Other than this there was no other notable damage. I did later learn that on scene the passenger side mirror was damaged, however, it was easily repaired on scene. The passenger side mirror was bent in and the mirror had come loose from the housing compartment. This was not noted when I viewed the vehicle as it had been repaired and it was not notable at the time. Commander Arcady did point out a dent on the driver's side front quarter panel and stated that was old damage.

It should be noted that Commander Arcady was on duty at the time of this crash. He begins his shift with on-call status at 0400 and ends his shift and on-call at 1600 hours.

On January 20, 2019, I responded to the accident location at the intersection of 8th St. and Kluge Ave. at about 0632 hours, which is the approximate time of the crash Commander Arcady was involved in three days prior. I took photographs of the area to include lighting in the area. This area is very dark at this time of day and time of year. The only street lighting is a small lamppost on the northeast corner of 8th St. and Kluge Ave. that is not very bright. There is light coming from the gas pumps of the C & F Food Store, which is located on the northwest corner, however, this does not illuminate the street or the intersection. There is a lit sign for the Co-Op (Ace Hardware), which is located southeast of the intersection, however, it does not provide illumination to the roadway either. It should be noted these photographs were not taken with any measurements and are merely for demonstrative purposes of showing the lighting at this given time. These photographs can be found in Section 8.

On January 23, 2019, I received a folder with a report from Palisade Police Detective Mark Post. Also with this report was a thumb drive containing evidence in the form of photos and video from the C & F Food Store (208 W. 8th St, Palisade). The original report received contained 18 pages, to include the Case Report, Supplemental Reports from Officer J. Baker and Detective M. Post, Print out of Digital Uploads, Copies of diagrams drawn by [REDACTED] and [REDACTED], Property and Evidence Reports, a copy of the Summons issued, a Vehicle Impound Report, and a State of Colorado Traffic Accident Report. This report is located in Section 5.

On February 12, 2019, I received the entire completed case from Palisade Records. This report contains reports from Colorado State Patrol, Mesa County Sheriff's Office, Grand Junction Police Department, CBI Lab results, Chematox Lab Results, Release of Medical Information forms and Serious Bodily Injury forms. It should be noted none of these documents were available on January 23, 2019, when I requested the report. It should also be noted that on February 7, 2019, when I looked up the case status for Palisade 19-81,

the case was still showing as an open case.

On February 8, 2019, a report was received from Colorado Bureau of Investigation Forensic Services Division regarding blood submitted by Officer David Keech on David Arcady. The results of those tests revealed there was nothing detected in his blood for alcohol, drugs or prescription medications.

Upon reading the initial case report I noticed that several of the officers on scene noted how dark the area is. Palisade Officer J. Baker notes in his report, "It was very dark at this time with the exception of vehicle lighting; this area is not well lit by street lighting or by nearby businesses." In the summary of Det. M. Post's initial report he states, "it was very dark and the roadway is not lit with street lamps." He later again notes, "it should be noted that the area was extremely dark and often times stays darker longer due to the shadow from the Grand Mesa in the morning. There are no street lights, or a flashing signal indicating anyone is in the crosswalk." In the description of the accident written by Officer D. Dranginis he notes, "It was dark and the intersection was not illuminated."

I then looked through the reports to find more about the victim, [REDACTED], and what she was wearing. As I read through the reports, there are notes by Officer D. Dranginis, "The pedestrian was wearing a black coat" and "[REDACTED] was with her, but was not struck and was wearing a red coat". However, I did not find any other descriptions of [REDACTED] or [REDACTED] within any of the reports. There were also no photographs of either [REDACTED] or [REDACTED]. I was able to locate in the photos provided by Det. Post the clothing [REDACTED] was wearing at the time of the crash. These include a pair of black pants with bright colored splatters on them, a black Carhart jacket and other clothing that was not visible under her jacket. (Section 9) There are no notes of what kind of shoes and socks she was wearing and there are no photos of shoes or socks.

A very brief interview (5 minutes, 27 seconds) was conducted by Det. Post with Arcady after he provided a blood sample and was run through roadside maneuvers. This interview was audio recorded and that recording along with a transcript is contained within this file. Arcady explained he was headed up the hill into town in the left lane and all he saw was a foot. He stated she was wearing some kind of fancy rainbow colored socks or a leotard. He told Det. Post that it was black and he didn't see anything coming, he saw the foot and heard the impact. Arcady was asked if the impact was in the crosswalk or not and Arcady states he's not sure, but she was laying the crosswalk in the other lane when he got out of the car and approached her. Arcady was asked how fast he was going and he stated he thought about 35, but wasn't sure. Det Post asked if he was texting, to which he answered he was not, he asked how much sleep he had the night before, to which he responded about seven hours and he was asked if he ate breakfast, to which Arcady responded he did not eat. Det Post asked Arcady what the lighting conditions are in the area at about 6:30 and he stated it is black there, dark. Arcady stated, "I couldn't see her. Didn't see her."

An interview was conducted by Det. Post on [REDACTED] and [REDACTED] on January 18, 2019 at St. Mary's Hospital. This interview was recorded and transcribed and is contained within

this file. This interview was conducted with both girls in the room. These were transcribed and can be found in Section 2.

██████ is interviewed first and states that they went to the crosswalk to cross the street to get to Veteran's Park. She states she was halfway through the street before she saw the car in the distance. Then the car was really close so she ran and was ahead of ██████. She said she looked back to make sure ██████ had gotten there and she saw her get hit. During this interview, Det. Post is having ██████ draw on a piece of paper where she was and where the car was. A copy of this drawing is included with this file (in Section 5), however, it is hard to determine from the interview where she was drawing on the paper. It does appear from the drawing and the notes made on the drawing, they were in the middle of the eastbound lanes when they saw the headlights from the vehicle. Then when they reached the center median they began running to get to the other side. The point of impact is also noted on this drawing at about the middle of the westbound lanes.

Detective Post then interviewed ██████ and again had her draw a diagram of what occurred. This interview is very hard to follow as there is not a lot of detail or notes on the drawing as she is talking through this. She does state she saw the headlights of the car and then started running when she saw ██████ running and wanted to catch up to her. Det. Post asked her to mark an "X" where she thought she was when she started running, this is north of the center median in the westbound lane. This ends the interview.

As I read through these reports, I came across several contradictions. The first one being the initial case report I was provided under Case Status notes: "Supplemental reports will be added to this case file including the interviews and hospital visit completed by Detective Post. This incident remains under investigation. Possible charges have not been determined until completion of the investigation." Then at the end of Det. Post's report under Case Status he notes, "Summons issued awaiting reports from GJPD and State Patrol as well as medical release info." However, he has not completed the investigation as he does not have lab results back from the blood draws or a complete report from CSP with their findings.

This case still lacks any of the medical information on ██████ with the exception of the SBI form that notes ██████

The report from Trooper Matt Pixler dated January 25, 2019 states, "While looking at the roadway, I observed no roadway evidence indicating the exact point of impact. I also observed no roadway evidence to indicate the vehicle had braked prior to or after collision. The roadway consisted of a well-traveled asphalt which was wet while I was on scene." Trooper Pixler also noted the damage on the vehicle to be minor with a scuff mark on the right front fender that was "consistent with a shoe scuff mark." He stated the damage was consistent with a sideswipe type of collision. Trooper Pixler completed an Electronic Data Recorder download of the vehicle and there were no errors noted during the download. Under the Crash Data Retrieval Software the report listed the "Event(s) recorded" as "none". This indicated the crash was not significant enough to store the data.

Trooper Pixler based his report and data off the surveillance video from the C & F to determine where the final stop was of Commander Arcady's vehicle. He used the street speed limit sign as a reference to where the car stopped and estimated the distance from area of impact to the sign as 114 feet. Trooper Pixler estimated the driver's perception reaction time as 1 second from the video. Through calculations, measurements and published data, Trooper Pixler determined it took the pedestrian 9.65 seconds from the south curb to the area of impact. A vehicle traveling at 35 mph would travel a distance of 495.14" in 9.65 seconds. At the time the pedestrian was halfway across the crosswalk, a vehicle traveling at 35 mph would have been approximately 89.79" or 1.75 seconds from impact. "Based off this information, I determined if a driver had first noticed the pedestrian in the middle of the roadway, they would likely not have enough distance to safely stop prior to hitting the pedestrian. It would take a vehicle traveling at 35mph 114.15" to come to a complete stop with a perception reaction time of 1 second." Based off this information and the interview of [REDACTED] and [REDACTED] the fact that they had to run calls into question title 42-4-802(3) Pedestrians' right-of-way in crosswalks - *No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, rode an electrical assisted bicycle, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.* Please see the complete report by Trooper Pixler in section 5 of this report.

On February 1, 2019, Officer Ferguson with a team responded to the area of the crash at 0545 hours to begin a reconstruction of the scene based on measurements and calculations that Officer Ferguson had determined.

I participated in the reconstruction by driving Commander Arcady's assigned car he was driving the day of the crash, while Jordan Huslig took video and photographs in the passenger seat of the vehicle. Officer Ferguson had us in specifically measured locations during this time, while Officer Hinton acted as the pedestrian dressed in all black clothing. Those photographs and video are included with this report as is the completed report by Officer Ferguson, who is a Level 4 Accident Reconstructionist. It should be noted that some of the still photographs from the pedestrian view show there to be sunlight coming up over the Grand Mesa in the east. We began the reconstruction at approximately 6:21 hours, in order to get similar lighting conditions as they were on January 17, 2019. However, it took longer to get the reconstruction complete and therefore the sun began to rise prior to being complete and therefore some photos were taken later and do show some sunlight.

Officer Ferguson summarized his report by stating there is not probable cause to charge or have charged Arcady with any violation of Title 42. All his calculations, which include perception and reaction time, total stopping distance and the deceleration factor, determined Arcady was not speeding at the time of the crash. This vehicle was in proper working order with only a minor defect in the windshield wiper squirter, which was not a factor as his windshield was free from obstructions at the time of the crash. Furthermore, once [REDACTED] presented herself as a hazard upon running from her place of safety into Arcady's path, calculations showed that he did not have enough time to perceive the

hazard she was presenting let alone react to it by beginning the process of slowing his vehicle. In addition, Arcady still has to bring his vehicle to a stop after perceiving and reacting to the hazard she presents and there is not enough time and distance for him to do so even with traveling below the posted speed limit. Officer Ferguson's completed report with all measurements and calculations can be found in Section 6.

I checked the weather for January 17, 2019 wunderground.com for an hourly record of the temperatures for that day. At 5:53am it was 36 degrees with humidity of 89%, a wind speed of 13 mph and it was mostly cloudy. At 6:53am it was 36 degrees, 86% humidity, a wind speed of 5 mph and cloudy. I also checked the weather from January 16, 2019 as the roadway had been reported to have been wet. I found that on January 16, 2019 there had been a wintry mix, light snow, light rain, fog and snow throughout the day and into the evening. These printed reports are included with this file in section 6.

WITNESS INTERVIEWS

I attempted to interview both [REDACTED] and [REDACTED] who were involved in the traffic crash. On January 23, 2019, I contacted [REDACTED] to inquire about interviewing both girls. [REDACTED] informed me he retained Attorney Andrew Nolan and asked I contact him in reference to an interview with [REDACTED]. On January 24, 2019, I spoke with Andrew Nolan by telephone and he advised he would consider allowing an interview based on the questions I had for them. He requested I send him some of the questions I wanted to ask and then he would review that and advise his clients after that.

As of February 14, 2019, he declined having his clients interviewed based on the fact he still had not been provided any information from CSP or Palisade Police Department regarding the accident. He further advised that it was highly doubtful he would allow an interview of his clients regardless of the information he does receive. (Please see email correspondence with Andrew Nolan in Section 10.

Therefore, there is no interview of either [REDACTED] within this Internal Investigation by the Internal Affairs Sergeant.

AFFECTED EMPLOYEES INTERVIEW

Commander David Arcady –

On February 12, 2019 at about 1000 hours, I interviewed Commander David Arcady at the Grand Junction Police Department with his Attorney Jeff Eidsness present. Commander Arcady was advised of Garrity and the signed form is contained within this investigation. This interview was recorded and later transcribed. This is a summary of that interview and the transcription can be referred to in Section 2.

I asked Commander Arcady to explain the events of January 17, 2019. Arcady stated he was on call for the shift beginning at 0400 hours on that day. He stated he woke up about that time and did his daily chores around his property and had some coffee. He left his residence around 0600 hours and began to travel into work along Hwy 6 or G Rd in Palisade. Arcady stated it was still very dark at this time and the roadway was wet from the night before. He explained he was wide awake, was not distracted by the police radio or phone calls or texts. He reiterated that it was extremely dark and there is a glare from the C & F (convenience store) there at that time. When I asked him to clarify this he stated that the lights from the gas pumps are bright compared to all the surrounding darkness and it actually causes a glare as you are driving toward it.

Arcady stated he was crossing the river and beginning to crest the hill and was driving in the left lane (lane closest to the center median). He further explained he generally drives in the left lane as he worries about people jumping off the curb on the other side and into the roadway. I asked Arcady what he was focused on that morning as he was driving and he stated he wasn't distracted and that he was looking straight ahead. He further stated that he was probably scanning as he always does when he drives.

He stated all of the sudden, "it's like a deer jumping in front of the car. Nobody was there – then they were there." He stated he only saw a foot, one foot and it was in a running motion in front of the passenger's side going north from his vehicle. He stated he saw the foot and then felt the impact. Arcady struggled with what happened next, but stated it was like he had a hard time getting his car into park once he stopped. He then exited the car and he saw two girls on the ground and they were in dark clothing.

Arcady stated there were still cars coming his direction and so he checked the girl for obvious injuries and he called 911 to report the crash. He stated at some point during this time he ran back to his vehicle, which he had turned his emergency lights (red and blue) on and moved the car behind the girls in the roadway to prevent any further injuries. He stated he didn't know the extent of the injuries and she was complaining of leg pain and so he did not want to drag her out of the roadway and instead moved his car to block traffic from them.

Arcady said he recalls that dispatch was having a hard time understanding where he was as he tried to explain he was across from the Co-Op and then near the C & F. However, this wasn't coming across and he stated he remembers running to the street sign and looking up and reading he was at 8th and Kluge.

I asked Arcady if the headlights of the vehicle were on and he stated they were, but he could not recall if the brights were on or not. I asked how fast he thought he was traveling and he stated 30-35, but he was not sure. I asked if he recalled locking up the brakes when he stopped and he stated he did not think they locked up. I asked if he felt the ABS engage and he stated he did not remember. I then asked if he recalled pressing the brake pedal until the car stopped or if he pressed and let off the brake and pressed it again and he stated he did not remember.

I asked Arcady what kind of car he was driving and he stated it was a Dodge Journey and it is an unmarked police vehicle. He stated this is his assigned vehicle and is a city vehicle. He has been driving that vehicle for about a year. I asked if he recalled anything that was malfunctioning with the vehicle and he stated there was not. I then asked specifically if there were any problems with the windshield wiper fluid and he stated that the hose line to the fluid on the driver's side had come off. He further stated he just fixes it when he comes off. I asked if the windshield on the vehicle that morning was clear and he stated it was. I asked how he knew that and he stated he always makes sure the windshield is clean before he leaves.

I asked Arcady if he could recall where the girls were located in the roadway once he got to them and he stated he wasn't exactly sure. I then asked what he noticed first upon seeing the girls in the roadway and he stated that they were in all dark clothing. He further explained they were hard to see when he exited the car, but he could hear a girl making noise. I asked if both girls were on the ground and he stated they were and it was like one girl was holding the other, like they were front to back. I asked Arcady if he could describe anything about either girl and he stated he would not recognize either of them if he saw them today. I asked if he could recall what kind of shoes either girl was wearing and he stated he did not know.

I asked Arcady at what point did he actually see the girl or girls and he explained, "I saw the one foot after it darted out in front of me. All I saw was the foot in a running motion". "If you are asking me when I saw them – only after I got out of the car."

I asked Arcady why he called 911 on his cell phone rather than use the police radio in the car. He stated he was with the girls and his car was further away and he was trying to get help and didn't want to leave them and his cell phone was faster.

Arcady stated he notified his direct supervisor, Deputy Chief Zen, by telephone and then also attempted to contact Commander Marak, but he didn't answer. I asked who he left the scene with and he stated he left with DC Zen and was taken to St. Mary's Hospital. When asked why he went to the hospital he stated it was for a blood draw. He stated he ultimately gave two samples of blood, one for administrative purposes and one for Palisade Police Detective Mark Post. I asked Arcady to explain how this occurred and he stated he was asking for blood draws early on. He stated he asked Detective Post for a blood draw and also DC Zen. Arcady said he also asked to do roadsides while on scene and he was told by Detective Post it would look bad. I asked Arcady if he ever did perform roadside maneuvers and he stated he did. He stated Grand Junction Police Officer David Keech administered the roadside maneuvers at the hospital. He further explained that he requested the roadsides, not because they requested it or that he had any symptomology, but he wanted them to prove he had nothing to hide. I then asked if any photographs were taken of him and he stated he did not remember.

I then asked Arcady if he was issued a ticket related to this crash and he stated he was. I asked him to explain how this was issued to him. Arcady was not completely sure of the days and time frame of events. He stated he got a call from Detective Post on Saturday after the crash at about 8:00pm. Detective Post explained what he was being charged with and Arcady told him it was too late, he could issue the ticket the following day. Detective Post told him it was no big deal, that this was civil ticket, this angered Arcady and he was done talking with Detective Post. The following day Arcady was in Palisade waiting around for Detective Post and did not receive a phone call. He drove back into Grand Junction and was working on personal projects. He finally received a call from Detective Post asking to meet him, Arcady told him he could meet him at the Grand Junction Police Department, but Detective Post told Arcady, "They won't let me meet you at the police department." But when asked, Detective Post would not say who "they" were. Detective Post then suggested meeting at the state building across the street from the PD and Arcady stated "That's probably too governmental for you". Arcady said they ended up meeting at the Enstrom's parking lot in the dark.

Arcady indicated that he asked [REDACTED] to go with him as a witness. He said it was all very weird, meeting another cop in a dark parking lot to get a ticket. Detective Post explained that the girl said Arcady ran into her and so it's his fault. Arcady asked Detective Post about his version of events as there are two versions to everything. Detective Post then offered to tell Arcady what he had with the investigation and told him that he had video of her running in front of his car and that his speed was below the speed limit. Arcady then asked Detective Post if he believed giving him the ticket was the right thing to do and he would not answer.

I asked Arcady if he was ever interviewed by anyone about the events of the incident and he stated he thought he was, but he wasn't really sure. He said he knew he did not have a sit down interview such as the one I was conducting with him. He said maybe he was asked questions on the side of the street, but there was no formal interview. I asked if there was ever a follow up interview with him and he stated there was not.

OTHER INFORMATION AND REPORTS

Colorado Revised Statutes Traffic Code (C.R.S. Title 42)

42-4-802 Pedestrians' right-of-way in crosswalks

(1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

Palisade Police Department Case Report: 2019-00000081
Mesa County Sheriff Office Case Report: 2019-00001866
Grand Junction Police Department Case Report: 2019-00003107
Colorado State Patrol Report: 4A19099

DISPATCH PHONE AND RADIO TRAFFIC

CD containing Radio Traffic from Fire, GJPD and MCSO

OTHER AUDIO OR VIDEO

CD containing photos and video taken by Jordan Huslig

SUMMARY OF CONCERNS

It has been determined and noted in several areas of reports that the location where the crash occurred was very dark at the time of the crash, with very little to no lighting of the street.

Both [REDACTED] state they saw the headlights while they were in the eastbound lanes and then began running from the center median of the roadway. It is confirmed [REDACTED] was wearing black clothing and the only information on the clothing [REDACTED] was wearing is a red coat. This clothing and the darkness made it impossible for Commander Arcady to see the girls and was difficult for him to see even after he exited his vehicle.

This investigation appeared to be ongoing yet, Arcady was issued a summons for "Failure to Yield to a Pedestrian in a Crosswalk" before the investigation was complete.

Based on the reconstruction done by both Trooper Pixler and Officer Ferguson with measurements and calculations, it would appear that Commander Arcady did not have time to react to avoid a collision. He was not traveling faster than the posted speed limit. [REDACTED] both admit to seeing the headlights of the car as they were crossing the eastbound lanes and once in the median they began to run across the westbound lanes. Bringing into question if they are in violation of 42-4-802(3). Trooper Pixler and Detective Post both make assumptions in their reports as to the girls not being able to see Arcady because of the grade in the roadway. However, during our investigation on scene it was fairly easy to see a vehicle approaching from the east. Furthermore, the narrative from Dranginis' reads as if the girls are at fault, yet he lists Arcady as vehicle #1.

APPLICABLE DEPARTMENT/CITY POLICY VIOLATIONS**ADM 131 Code of Conduct****131.03 GENERAL RULES**

A. OBEY ALL LAWS - All employees shall obey the laws of the United States of America, the State of Colorado and the City of Grand Junction.

ADM 131 Code of Conduct**131.03 GENERAL RULES**

F. CONDUCT TO REFLECT FAVORABLY ON THE DEPARTMENT - Employees are prohibited from engaging in conduct that could bring the Department and/or City into disrepute. This rule applies to both on-duty and off-duty conduct.

CITY POLICY**6.100 ETHICAL CONDUCT****I. POLICY**

City employees are prohibited from engaging in any conduct which could reflect unfavorably on the City or the employee's service. Employees are expected to conduct themselves in such a way that their actions and relationships with each other are professional at all times and are free of gossip. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving unauthorized preferential treatment to any person or losing impartiality in conducting City business. It is the City's policy that all employees conduct themselves ethically and avoid all misconduct or the appearance of misconduct.