



OFFICE OF THE CITY MANAGER
129 North Second Street
City Hall, Yakima, Washington 98901
Phone (509) 575-6040

July 6, 2018

VIA HAND DELIVERY

Dominic Rizzi, Jr.
Chief of Police
Yakima Police Department
200 S. 3rd Street
Yakima, WA 98901

Re: Reprimand for Unsatisfactory Performance and Directive to Correct Behavior

Dear Chief Rizzi:

This letter constitutes a reprimand for unsatisfactory work performance and a directive to correct behavior. This reprimand is based on the outcome of investigator Russ Perisho's investigation as well as my own personal observations of your work performance.

As you know, Mr. Perisho was engaged to conduct an outside investigation into allegations of misconduct brought against you by a member of the Police Department. Mr. Perisho conducted ten interviews, including one with you. He concluded that you did not engage in disparate treatment in violation of City Policy #1-2300, Workplace Harassment. However, his findings include the following:

- You allowed command staff members to repeatedly express their view that a Division Manager's work was inadequate even though you did not agree, which made it difficult, if not impossible, for the Manager to be viewed by subordinates and others in the Police Department as successful.
- You issued a reprimand that was not supported by cause and that had the effect of discouraging City-approved FMLA leave, in violation of City policy.
- During a performance evaluation with a Hispanic employee, you engaged in race-based skill stereotyping by incorrectly assuming that the employee might have difficulty with English.

In addition to Mr. Perisho's investigation, I have personally met with Police Department command staff, Police Services employees, the Human Resource Director, and you about various issues within the Police Department and the Police Services Division. As a result, I note the following work performance concerns:



- You intentionally ignored Human Resources advice and violated City policy # 1-900, Family & Medical Leave Act. I had to give you a directive to comply before you modified your actions.
- Your job responsibilities include managing the Police Services Division. You improperly delegated those responsibilities to Captains who are not in the Division's chain of command.
- You failed to effectively communicate with the [REDACTED], undermined the Manager's authority, and otherwise severely damaged your working relationship with the Manager, thereby harming the Division and the Department as a whole.
- You violated an Administrative Directive from a letter dated December 6, 2017 by asking the complainant to withdraw the complaint while the investigation was ongoing.

City of Yakima Administrative Policy No. 1-100, Administrative Disciplinary Guidelines, provides that discipline is appropriate as follows:

- Failure to maintain satisfactory working relationships with other employees
- Inefficiency, incompetency or negligence in the performance of duties
- Violation of, or failure to comply with, published rules and regulations of the City

Your observed unsatisfactory work performance and failure to provide appropriate leadership do not meet my expectations for a Chief of Police. Your conduct has severely damaged working relationships and it has been my observation that you willfully failed to comply with City policy. The reprimand you issued that was investigated by Mr. Perisho and determined to be in violation of City policy is hereby revoked. In sum, you are not performing your job duties in a satisfactory manner.

Due to the seriousness of the issues and upcoming vacations, we will discuss the process and timeline to transition the services manager back to your supervision during one of the regularly scheduled check-in meetings with the [REDACTED], you and myself. We will continue to maintain the check in meetings so that I can closely monitor your performance. You are instructed to treat your direct reports even-handedly and with due courteousness and professionalism; and, as I have previously directed, that includes meeting in person with the [REDACTED] before executive team meetings so that you are knowledgeable and supportive of police services issues. All employees are expected to comply with the chain of command within the Police Department, which means that Police Service Division issues should be directed up the chain of command to the Manager, and you must provide direction and support to the Manager in furtherance of the important work of the unit. In addition, I am directing you to work with Human Resources to identify and obtain training relating to cultural sensitivity within the next sixty (60) days.

As supervisor, I have made a number of changes in the division. Those changes will remain in place unless and until you, the [REDACTED] and I come to an agreement to change them.

Police Chief Dominic Rizzi, Jr.

July 3, 2018

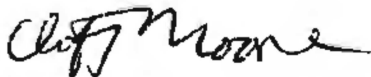
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I will be following up regularly to make sure you are meeting my expectations moving forward. In addition, I will continue to maintain an open dialog with the [REDACTED] to ensure that the unit is receiving proper administrative support so that it can successfully meet its critical mission duties. If you do not comply with these directives and resume your full job responsibilities in a satisfactory manner, your employment with the City will be in jeopardy.

As a reminder, the City will not tolerate you or anyone on your behalf retaliating against, harassing, intimidating and/or threatening, in any way, anyone who has cooperated with and/or participated in Mr. Perisho's investigation. Any violation of this directive will result in disciplinary action, up to and including discharge.

The information that has come to my attention during this process has caused me deep concern. However, I am hopeful that you will learn from this experience, correct your behavior, and the Police Department work environment will improve for all staff.

Sincerely,



Cliff Moore
City Manager

cc: Connie Mendoza, Director of Human Resources
Personnel File



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129 North Second Street
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August 6, 2018

Dominic Rizzi, Jr.
Chief of Police
Yakima Police Department
200 S. 3rd Street
Yakima, WA 98901

VIA HAND DELIVERY

Re: Written Reprimand

Dear Chief Rizzi,

This letter shall serve as a formal written reprimand and is to confirm in writing our discussion on August 2, 2018 concerning your unacceptable conduct and violation of RCW 42.56.080.

On July 11, 2018 a public records request was received for some of your training and travel records. I was made aware that after you were notified of the request, you contacted the requester to inquire the reason for his request. When we spoke on August 2, you acknowledged contacting the requestor, you stated that your intent was not to intimidate, but rather to gather additional information in an attempt to answers the requester's questions.

RCW 42.56.080 (2) Identifiable Records

"Agencies shall not distinguish among persons requesting records and such person shall not be required to provide information as to the purpose for the request..."

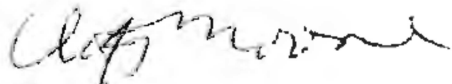
Washington law requires state and local agencies to make public records available to the public. The law, the Washington State Public Records Act RCW 42.56, supports the public's right to be informed about what their government is doing. The public is entitled to request and receive public records without any justification or explanation. These are some of the fundamental elements of municipal government. As such, Directors are expected to be familiar with the protections and privileges that the RCW offers to Washington residents in matters of transparency and accountability.

This action is unacceptable for any director or employee; the fact that you are the Chief of Police adds another layer of gravity to this matter. A resident that receives a phone call from a member of our police department questioning his or her motives for accessing public information is a violation of the RCW and a violation of trust between the citizens of Yakima and its municipal government.



You are encouraged to reach out to the City Clerk's Office with any questions you might have regarding the Washington State Public Records Act and to attend a refresher course once it is made available.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Moore". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cliff Moore
City Manager

cc: Personnel File