



City of Little Rock

Police Department

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### MEMORANDUM

TO: Keith Humphrey, Chief of Police

FROM: Hayward Finks, Assistant Chief of Police *HF*

RE: Public Affairs Investigation

DATE: June 8, 2021

*Rec'd 6-9-21 4:32pm*

I have been directed by Chief Humphrey to provide a memorandum identifying the specific incidents that I was referring to when I stated that he has made exceptions for some employees during their disciplinary process. The specific incident that I was recalling during the conversation was Internal Affairs Investigation 2020-0001 involving Lieutenant Michael Ford. The case involves an incident that occurred at Lieutenant Ford's residence on New Year's Day 2020.

Despite the fact that I was Lieutenant Ford's immediate supervisor and on-duty at the time of the incident, Lieutenant Ford contacted Chief Humphrey and informed him that the Maumelle Police Department responded to his residence regarding shots being fired. Upon learning of the incident from Lieutenant Ford, Chief Humphrey took no action. Chief Humphrey did not relieve Lieutenant Ford of Duty and he did not notify Internal Affairs to initiate an investigation. It is well known throughout the department that Lieutenant Ford is a close associate of Chief Humphrey.

Three days after the incident, it was brought to my attention by the Maumelle Police Department. I immediately notified Chief Humphrey. It was only after I was made aware of the incident by the Maumelle Police Department that an Internal Affairs Investigation was authorized by Chief Humphrey. During the investigation, it was revealed that Chief Humphrey was made aware by Lieutenant Ford that he was under criminal investigation by the Maumelle Police Department and the Maumelle Police Department had requested that Lieutenant Ford come in for an interview. Upon learning that Lieutenant Ford was under criminal investigation, Chief Humphrey took no action to relieve Lieutenant Ford of duty. This is in direct contradiction to how other officers have been handled while under investigation.

In fact, Chief Humphrey instructed me to relieve Major Russell King of duty on New Year's Eve 2019, the day before the incident involving Lieutenant Ford. Chief Humphrey made the decision to relieve Major King of duty based on Chief Humphrey's misinterpretation of a Blue Team file that had been compiled by Major King. After contacting Major King as instructed by Chief Humphrey and directing him to report to my office to be officially relieved of duty, Chief

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Humphrey changed his mind and directed that an investigation be conducted of Major King's handling of the Blue Team file. Major King, Lieutenant Rusty Rothwell, Sergeant Christopher McCauley, and Ms. Kandi Hause were all later disciplined unjustly regarding the Blue Team file by Chief Humphrey.

Not relieving Lieutenant Ford of duty while under criminal investigation also contradicts action taken by Chief Humphrey against Lieutenant Rothwell and Sergeant McCauley when they were falsely accused of inappropriate conduct in Internal Affairs Investigation 2020-0025. Chief Humphrey relieved both supervisors of duty and allowed them to remain relieved of duty for two (2) months after Internal Affairs informed Chief Humphrey that there were no findings to support their continued relieved of duty status. Upon finally restoring the supervisors to full duty status Chief Humphrey transferred them both from their investigative assignments.

Ironically, Lieutenant Rothwell and Sergeant McCauley had previously filed a lawsuit against Chief Humphrey and won a judgment in the case in Judge Wendell Griffin's court shortly after they were relieved of duty by Chief Humphrey. The fact that he refused to restore their law enforcement powers after being informed by Internal Affairs that there were no findings to support their continued relieved of duty status supports previous claims made by members of the Command Staff to Mayor Frank Scott regarding the toxic, hostile and retaliatory working environment created by Chief Humphrey.

During the internal investigation of Lieutenant Ford, it was revealed that he was intoxicated during the incident in which the Maumelle Police Department responded to his residence. He admitted that he was untruthful in statements to the Maumelle Police Department and admitted that shots actually had been fired at his residence. At the time of the incident, Lieutenant Ford was the spokesperson for the Little Rock Police Department. After failing to initiate an investigation upon being contacted by Lieutenant Ford and refusing to relieve him of duty after learning that there was an ongoing criminal investigation by the Maumelle Police Department, Chief Humphrey lowered the recommended discipline from five (5) days of suspension to just two (2) days of suspension for Lieutenant Ford.

I believe that collectively, the actions of Chief Humphrey in dealing with Lieutenant Ford, compared to how he has handled other employees, clearly shows he makes exceptions during the disciplinary process. There are possibly other examples as well.

The request to produce this document is the result of a meeting with Chief Humphrey and Major Casey Clark on Thursday, June 3, 2021. The impromptu meeting was regarding documented counseling issued to Mr. Mark Edwards. Mr. Edwards is the Public Information Officer for the department and is also an associate of Chief Humphrey. Chief Humphrey entered my office in a somewhat confrontational manner demanding to know why Mr. Edwards had been disciplined and why he (Chief Humphrey) had not been interviewed.

Chief Humphrey was referring to a Documented Counseling that Mr. Edwards had received for unprofessional behavior that was witnessed by Sergeant Eric Barnes, his immediate supervisor. The incident occurred during an interview of Chief Humphrey by a local news anchor, Mr. Kevin Kelly. During the interview, Mr. Edwards got into a somewhat heated argument with Mr. Kelly resulting in Sgt. Barnes directing Mr. Edwards to leave the room. Sergeant Barnes wrote in his evaluation of the incident:

“Upon reviewing and witnessing this incident, these actions violated the Civilian Code of Conduct (CCC IV.A.8) *Use of indecent, profane, derogatory or harsh language concerning individuals, groups or areas of the City in the performance of official duties or in the presence of the public.* I recommend documented counseling for Mr. Edwards to ensure he is aware of his conduct while acting within the scope of employment with the Little Rock Police Department and the City of Little Rock”.

Sergeant Barnes sent his recommendation to Major Clark in a Blue Team file in accordance with department policy. Major Clark agreed with the recommendation and forwarded the file to me. Upon reading the file, I agreed with the supervisors but I noticed that there was not a statement from Mr. Edwards included in the file. This file was based on the first hand observations of Sergeant Barnes and was not the result of an official complaint. Therefore, I saw no need to interview Mr. Kelly. In the interest of due process, I sent the file back through the Chain of Command with instructions to include a statement from Mr. Edwards. Upon receiving the file back with the requested statement, I concurred with Sergeant Barnes and Major Clark that a Documented Counseling was sufficient to address the problem. I sent the file back to Major Clark with instructions to document the counseling and then send the file to Internal Affairs for filing in accordance with departmental policy.

This is not the first time that Major Clark has made me aware of concerns with Mr. Edwards. Major Clark has indicated previously that he has concerns with Mr. Edwards' demeanor and work ethic. Major Clark advised that this sentiment is shared by others in the 21<sup>st</sup> Century Community and Public Affairs Division. I have advised Major Clark that I will not recommend taking any action against any employee without adequate documentation of the issues. There has been hesitation to document issues with Mr. Edwards in the past due to fear of retaliation from Chief Humphrey.

In the meeting of June 3, 2021, Chief Humphrey asked me why he was not interviewed for the investigation. I tried to explain to Chief Humphrey that this was not based on a complaint but rather the firsthand observation of Mr. Edwards' supervisor. In addition, this entire incident was captured on video. The video reveals that throughout the incident Chief Humphrey is seen sitting and observing the incident unfold. Chief Humphrey never tried to take control of the situation and at times it appeared as if Mr. Edwards was Chief Humphrey's supervisor. At one point in the altercation Mr. Edwards instructed Chief Humphrey to take his microphone off. Mr. Edwards can be heard saying to Chief Humphrey in an authoritarian tone, “*No, do not answer that. Take the mic off. Turn the mic off and then we will go from there.*”

At one point, Mr. Edwards insinuates to Mr. Kelly that he (Mr. Kelly) is only there to make Chief Humphrey look bad. Ironically, after Chief Humphrey turns off Mr. Kelly's microphone as instructed by Mr. Edwards and Mr. Edwards leaves the room as instructed by Sergeant Barnes, Chief Humphrey and Mr. Kelly have a conversation in which Mr. Kelly tells Chief Humphrey that it is never his intent to make him look bad. Chief Humphrey replies, "*I don't take it that way Kevin. I mean you're asking a question that people want to know.*" Chief Humphrey then goes on to give a brief and appropriate answer to Mr. Kelly's question.

If Chief Humphrey did not think that Mr. Kelly's question was out of line, and he did not think Mr. Kelly was just trying to make him look bad, then why didn't Chief Humphrey take action to intercede and calm Mr. Edwards down? Furthermore, why am I now being required to explain to Chief Humphrey why I agreed with Sergeant Barnes and Major Clark that Mr. Edwards should be counseled for his inappropriate conduct? This is the precise reason that Major Clark has been hesitant to document anything regarding Mr. Edwards in the past.

The confrontational manner in which Chief Humphrey approached me regarding this matter is just the latest of his intentional efforts to create a retaliatory and hostile working environment. Chief Humphrey has refused to allow me to have input into the selection of personnel assigned to my bureau yet he holds me responsible for producing a positive work product. Chief Humphrey gave me no input in the selection of the following positions:

- Division Commander of the Special Investigation Division
- Division Commander of Major Crimes
- Special Investigations Division Intelligence Unit Commander
- Special Investigations Division Vice Sergeant
- Special Investigations Division Intelligence Detective
- 21<sup>st</sup> Century Community Policing and Community Affairs Division Commander
- 21<sup>st</sup> Century Community Policing and Community Affairs Division Sergeant

Additionally, Chief Humphrey ignored my repeated requests to assign a Division Commander to Major Crimes and allow the department to carry a Major's rank vacancy in a division that would have less impact on public safety. Chief Humphrey allowed the position to remain open for four months at a time in which violent crime was increasing throughout the city. This was also during the timeframe in which Chief Humphrey refused to reinstate full duties to Lieutenant Rothwell and Sergeant McCauley as mentioned previously. Chief Humphrey was made aware on several occasions of the extreme shortage of supervision in the Major Crimes Division.

Chief Humphrey selected Lieutenant Troy Ellison to fill the previously listed vacancy as the Special Investigation Division Intelligence Unit Commander. Not long after assuming that position, Lieutenant Ellison filed a Hostile Working complaint against me with Human Resources in regards to a situation that occurred at the Arkansas State Capitol. During a protest, Lieutenant Ellison sent out blatantly erroneous information regarding Arkansas State Capitol

Police Chief Alice Fulk allowing protestors to have loaded weapons on State Capitol grounds. I made Lieutenant Ellison confirm the information and he later stated that he must have misheard someone and it was not true. Because I made him confirm the information and retract it, Lieutenant Ellison filed the complaint against me. The matter was investigated by the Human Resource Department and I was cleared of any wrongdoing. Of particular interest in this situation is the well-known fact that Chief Fulk has a pending lawsuit against Chief Humphrey.

Lieutenant Ellison recommended that Detective Preston Porter be selected to fill a vacant Special Investigation Division Intelligence Detective position. Detective Porter worked as a Property Crimes Detective and had some experience in the enhancement of photos. Sergeant Stephanie Whitaker, the supervisor of the Intelligence Unit, requested that Detective Troy Dillard be selected for the position. Detective Dillard worked as a Homicide Detective and was closely connected to the gangs and violent offenders that required the attention of the Special Investigation Division. Additionally, Detective Dillard recently received the Little Rock Police Department Officer of the Year Award, Homicide Unit Commendation Award, the Attorney General Central Regional Officer of the Year Award, and was the runner up for the statewide Attorney General Officer of the Year. For obvious reasons and in the best interest of the Division and the Department, I agreed with Sergeant Whitaker that Detective Dillard was the best candidate for the position. Chief Humphrey denied my request and selected Lieutenant Ellison's choice, Detective Porter. Coincidentally, Detective Porter happens to be the fraternity brother of Lieutenant Ellison and Lieutenant Andre Dyer. Lieutenant Dyer is Chief Humphrey's Adjunct Lieutenant.

I was recently interviewed by Internal Affairs in regards to the Karen Hunter video release investigation. The interview occurred on Wednesday June 2, 2021 at 2pm. I was notified via email at 6:22pm that night that I was being transferred from the Investigative Bureau to the Executive Bureau. There was no previous discussion from Chief Humphrey of his decision to transfer me. This is in direct violation of Chief Humphrey's directive that transfer notifications will not be generic and will come with details. In his directive dated January 31, 2020, Chief Humphrey referred to transfer notices after hours and without explanation as both inappropriate and disrespectful. I agree, and yet that is how Chief Humphrey chose to notify me of my transfer. Absurdly, the directive from Chief Humphrey was issued as a result of the inappropriate manner in which Sergeant Duane Finks and Sergeant Reginald Parks were transferred by Chief Humphrey in retaliation for my involvement in the Officer Charles Starks officer involved shooting.

As the Commander of the Investigative Bureau, I made repeated requests for additional personnel in the Major Crimes Division and to have Major Crimes Detectives removed from additional assignments assisting the patrol division. All requests were denied by Chief Humphrey. At a meeting on the day of my transfer notification, Major John Lott made the same request to Chief Humphrey for Major Crime's detectives to be removed from additional assignments and Chief Humphrey approved it immediately without discussion.

At Chief Humphrey's request, a plan was developed to create Operation Watchful Eye. The operation was to make contact with youth that display weapons on social media in efforts of reducing violent crime. The plan was drafted by Lieutenant Ellison and required the Special Investigation Division Detectives to identify the youth and send the information to the 21<sup>st</sup> Century Policing and Community Affairs Division. The 21<sup>st</sup> Century Policing and Community Affairs Division would then schedule officers in the Special Operations Division to conduct visits with the youth. The Special Investigation Division and the 21<sup>st</sup> Century Policing and Community Affairs Division were both under my command.

I objected to the portion of the plan that would require the Special Investigation Division to send the information to the 21<sup>st</sup> Century Division for two reasons. The first reason was the fact that there were only 4 people assigned to the 21<sup>st</sup> Century Division and they were already overtasked. The second reason was it required the 21<sup>st</sup> Century Division to schedule assignments to officers that worked in another division. The most practical solution was for the Special Investigation Division to send the information directly to the Special Operation Division Commander. Chief Humphrey denied my request and wrote a condescending note on how it should not be a problem. On June 4, 2021, after I was notified that I was being transferred, Chief Humphrey sent out an email to the Command Staff that he was implementing Operation Watchful Eye and Special Investigations would gather the information and send it to the Special Operations Division to make contact with the youth. The 21<sup>st</sup> Century Division was removed from involvement.

I believe that collectively, all of the issues brought forth in this document prove the continued retaliatory and hostile working environment that is intentionally being created by Chief Humphrey. I am also making the Human Resource Department aware of this continued situation.