

CITY OF LONGMONT | Department of Public Safety
Police, Fire, and Community Health & Resilience

POLICE INFORMATION 303-651-8555 | **FIRE INFORMATION** 303-651-8437
COMMUNITY HEALTH AND RESILIENCE OFFICE 303-651-8438
9-1-1 EMERGENCY COMMUNICATIONS CENTER 303-651-8501



May 9, 2022

Daniel Sidders
Police Officer
Longmont Department of Public Safety
225 Kimbark Street
Safety and Justice Center
Longmont, Colorado 80501

RE: NOTICE OF PROPOSED DISCIPLINE AND PRE-DISCIPLINARY CONFERENCE

Dear Officer Sidders,

This letter is to advise you that the Department of Public Safety has completed its investigation and review in PSU Case # 22-01. This case has been reviewed by your supervisors, the Police Professional Standards Review Panel, and me. In accordance with Section 3.04.520 and 3.04.562 of the Longmont Municipal Code, discipline is being proposed, specifically **Dismissal for Cause**. Grounds and cause for the proposed discipline include violations of the City of Longmont Personnel Rules (Chapter 3.04 of the Longmont Municipal Code of Ordinances) and the Longmont Police Department Policy Manual as summarized below:

1. **Longmont Personnel Rules 3.04.470 D (1)**; Violation of any personnel rule, administrative regulation or procedure, any department rule or regulation.
2. **Policy 301 Code of Conduct; B (2) - Attention to Duty** – Members are to refrain from conduct, which would tend to impair the operation, effectiveness or efficiency of the department or its members.
3. **Policy 301 Code of Conduct; C Unbecoming Conduct** - members are to use reasonable judgment and refrain from conduct which reflects unfavorably on the department.
4. **Policy 301 Code of Conduct; D Courtesy**- Members are to treat others courteously, with fairness and respect.
5. **Policy 301 Code of Conduct; Integrity** - Members are required to be truthful in matters associated with Department responsibilities.

PSU Case # 22-01, summarized below, reveals the following facts that support the proposed discipline:

In January 2022 you applied for and participated in the section process for promotion to Police Sergeant. During your Command Staff interview you told the staff that “people lied” in the 360 evaluations. You claimed that the statements in the evaluations that you spread a rumor of about a coworker being an alcoholic were “Flat out lies”. The investigation revealed numerous

witnesses who reported you specifically talked to them about a coworker struggling with substance abuse. During your interview with SGT Ross you denied ever even implying a coworker was an alcoholic or struggling with substance abuse.

Following the conclusion of the selection process, information came to light that you had made the claim that there had been cheating involved in the process. You told SGT Ross that you heard someone state "It must be nice to have a buddy on the committee," or, "It must be nice to know someone on the committee." You acknowledged you then told several people that you heard someone on the committee had shared information about the process with some candidates. You acknowledged that you "assumed" that the statement you claim you overheard meant someone was sharing information. The investigation revealed several people who reported you told them specifically that someone on the committee had shared information about the process with some candidates. You told SGT Ross that you did not believe any cheating had occurred, yet you still spread this rumor to several other officers. This rumor in part delayed the completion of the process and the promotion of successful candidates.

Prior to my final decision to order a finding of **Sustained** for all of the allegations and the proposed discipline noted above, you are entitled to participate in a pre-disciplinary conference. According to Section 3.04.565 of the Personnel Rules, "At the conference, the employee has the due process right to an opportunity to present his or her position concerning the proposed action. The conference shall serve only as a preliminary screening of the appropriateness of the proposed action. Consistent with the limited purposes of the conference, the executive director or designee may reasonably restrict or deny witness testimony, cross-examination and argument."

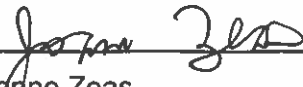
The City of Longmont has scheduled a pre-disciplinary conference with you for **May 12, 2022 at 0900 hours, in the Administrative Conference Room, Safety and Justice Center 225 Kimbark St, Longmont, CO.**

You may have a representative of your choice present at the conference. **Please notify my office at least 24 hours before the scheduled conference whether you will attend.** Your failure to participate in the pre-disciplinary conference will waive and abandon all rights to the pre-action conference procedure. Per section 3.04.565 of the Longmont Municipal Code, **you must also notify the Chief Human Resources Officer, Joanne Zeas, 303-651-8605 or Assistant Director of Human Resources, Beth Souhrada, 303-774-4699, at least 24 hours before the scheduled hearing if you plan to bring legal representation.** After the pre-disciplinary conference, I will decide whether to impose, modify or rescind the proposed discipline.

Respectfully,



Zach Ardis
Public Safety Chief



Joanne Zeas
Chief Human Resources Officer

I hereby acknowledge receipt of this letter this 9 day of May, 2022.



Officer Daniel Sidders

Enclosure: Personnel Rules 3.04.470
Personnel Rules 3.04.520
Personnel Rules 3.04.562
Longmont Police Department Policy 301

CC: PSU Case # 22-01
Personnel File
Joanne Zeas, Chief Human Resource Officer
Jaime Roth, Deputy City Attorney
Beth Souhrada, Assistant Director of Human Resources

LONGMONT MUNICIPAL CODE

Title 3 - PERSONNEL

CHAPTER 3.04. - PERSONNEL RULES

3.04.470. - Disciplinary action—Grounds.

Regular city employees subject to these rules or any departmental regulations may be disciplined for cause. Cause for disciplinary action includes acts involving unsatisfactory work performance by an employee, or other employee conduct that may prejudice the public interest, including but not limited to the following (administrative regulations and procedures, which the city manager may issue, consistent with this title, may provide more information on this subject):

A. Job duties.

1. Incompetence or inefficiency; failure to perform adequately the assigned duties of the job;
2. Insubordination; failure to comply with the orders of a supervisor, including but not limited to refusal to work overtime;
3. Failure to adhere to the established work schedule; failure to obtain authorization for overtime prior to overtime worked as established by general written department policy;
4. Failure of any supervisor to adequately perform supervisory duties.

B. City property and information.

1. Misuse of city resources, including theft, destruction, negligent or unauthorized use of city money or property or misuse prohibited by administrative regulations or procedures;
2. Unauthorized disclosure of confidential information from city records or documents, as set forth by applicable laws of the state; or falsification, destruction or unauthorized use of city records, reports, or other data belonging to the city.

C. Safety, drug use, and legal matters.

1. Failure to report an industrial accident or injury to the manager or risk management, or disregard for safety rules or common safety practices, including but not limited to applicable administrative regulations and procedures;
2. Use or possession of any deadly weapon, in a city vehicle, or on city or customer premises or in public while representing the city in any capacity except:
 - a. Otherwise lawful use or possession of an otherwise legal folding knife,
 - b. Use or possession of a deadly weapon specifically authorized as part of the employee's official duties;
3. Assaulting a co-worker;
4. Intoxication; impairment; or use of an illegal drug while working; or violation of any city administrative regulation or procedure establishing a drug free workplace policy;
5. Violation of any applicable rules on tobacco smoking in city owned or operated buildings or vehicles;
6. Conviction of any felony or any lesser crime involving moral turpitude, including but not limited to crimes involving theft or dishonesty;
7. Violation of any federal or state law or administrative regulation or procedure pertaining to employment; including but not limited to those on sexual or age harassment or equal employment opportunity.

D. Other conduct issues.

1. Violation of any personnel rule or administrative regulation or procedure or any departmental rule, regulation, procedure or order;
2. Misconduct; conduct or language toward the public or toward city employees that discredits, disrupts or interferes with cooperative and effective public service;
3. Using threatening, harassing, intimidating, coercing or abusive language or behavior toward fellow employees, customers, or the public while representing the city in any capacity;
4. Inappropriate subordinate and supervisor relationships, as these rules prohibit;
5. Abuse of sick leave; the claim of sickness under false or misleading pretenses;
6. Unexcused absence or tardiness; absence without proper authorization or absenteeism or tardiness as it negatively impacts the workplace;
7. Violating applicable laws, ordinances, rules, regulations or procedures on ethics in public contracting or conflict of interest, including, but not limited to title 4, chapter 12, Part VIII of this Code; accepting gifts or gratuities in exchange for the influence of the employee in the performance of the employee's official city duties, acceptance of a gift or of preferred consideration or taking advantage, without city authorization, of a city contract by receiving a special city price or discount for personal gain;
8. Use of official position or authority for personal profit or advantage;
9. Distribution of literature, vending, or soliciting or collecting contributions on city time and in public areas without prior authorization of the city manager;
10. Knowingly making a false statement, failing to answer questions in a complete manner, or making a misrepresentation concerning matters of employment, including but not limited to employment applications, grievance proceedings, discipline proceedings or related investigations;
11. Revealing confidential personnel information, contrary to the Colorado Open Records Act or applicable statutes, rules or regulations, city administrative regulations, or procedures, or other rules of law or discussing confidential personnel information contrary to directions from a supervisor;
12. Other acts or omissions this Code prohibits or makes subject to disciplinary action or that adversely affect the welfare of citizens, other employees or the effective operation of the city.

(Code 1981, § 1-23-9(9-1); Code 1993, § 3.04.470; Ord. No. O-79-13; Ord. No. O-85-14, § 1; Ord. No. O-86-21, § 8; Ord. No. O-93-51, § 8; Ord. No. O-2000-10, § 6)

LONGMONT MUNICIPAL CODE

3.04.520. - Termination.

Upon prior review by the chief human resources officer or designee of the facts, an executive director may terminate an employee for cause. The cause for such termination shall be documented in writing. The statement of cause shall be submitted to the employee and the chief human resources officer on or before the date of termination. A termination is a disciplinary action.

(Code 1981, § 1-23-9(9-2)(d); Code 1993, § 3.04.520; Ord. No. O-79-13; Ord. No. O-85-14, § 1; Ord. No. O-97-23, § 2; Ord. No. O-2000-10, § 10; Ord. No. O-2021-22 , § 31, 4-27-2021)

LONGMONT MUNICIPAL CODE

3.04.562. - Discipline or termination—Notice of intended action.

- A. Before the imposition of disciplinary action or termination of an employee's employment, the executive director or the director's designee shall give the affected employee a written notice that includes:
1. The proposed discipline;
 2. The cause for discipline;
 3. An explanation of the city's evidence;
 4. The date, time and location of a pre-action conference to be held not less than two calendar days nor more than seven days from the date of the notice, at which the employee may present his or her position concerning the proposed discipline; and
 5. That the employee is entitled to designate a representative of the employee's choice to be present at the conference.
- B. The city shall serve the notice of proposed action upon the employee by personal delivery, or by email to the last known personal email address and by depositing the notice in the United States mail, postage prepaid, to the employee's last known address. Service is effective upon personal delivery, or email and mailing. The executive director or the director's designee shall also deliver a copy to the chief human resources officer.
- C. In case of unusual circumstances, the executive director or designee may extend the seven-day limit stated above. The employee may submit to the executive director or the director's designee a request for an alternate date or time for the conference at least 24 hours before the scheduled conference, stating the reasons for the request. The decision to allow changes in a scheduled conference is committed to the sound discretion of the executive director or the director's designee.
- D. If the executive director or designee determines that it is in the best interests of the city that the subject employee not attend the work place before the pre-action conference, then the employee may be placed on paid administrative leave according to [section 3.04.465](#) of the personnel rules.

(Code 1993, § 3.04.562; Ord. No. O-2000-10, § 11; Ord. No. [O-2021-22](#), § 36, 4-27-2021)

Longmont Police Department Policy - 301

Code of Conduct

Effective: 11.01.98

Revised: 10.01.18

Review date: 10.01.20

301.01 Policy

301.02 Rules

301.01 Policy

The following rules are based on the values, missions, organizational philosophies and operational principles of the Longmont Police Department. These rules establish the Code of Conduct for the Department. Members are to comply with these rules and may be subject to a Professional Standards Investigation and associated procedures for alleged violations of these rules.

301.02 Rules

- A. **Adherence to Orders** - Members are to obey lawful orders.
- B. **Attention to Duty**
 - 1. Members are to maintain familiarity with, perform their duties according to and conduct themselves within the framework of the Departments Directive System.
 - 2. Members are to refrain from conduct, which would tend to impair the operation, effectiveness or efficiency of the department or its members.
- C. **Competency** - Members must be able to properly perform the assigned duties of their position.
- D. **Courtesy** - Members are to treat others courteously, with fairness and respect.
- E. **Unbecoming Conduct** - members are to use reasonable judgment and refrain from conduct which reflects unfavorably on the department. This type of conduct includes that which:
 - 1. Brings the department into disrepute,
 - 2. Discredits the public service, or
 - 3. Reflects discredit upon the individual as a member of the department.

- F. **Gratuities** - Members do not use their department status to seek, or accept, any favors, gifts, or gratuities which would not ordinarily be afforded the general public.
- G. **Information Security** - Members treat the official business of the department as confidential.

Members do not, without approval from the Public Safety Chief or designee:

1. Access, review or remove any department report or record for other than department purposes, or
2. Communicate any information which may jeopardize or impair an investigation (criminal or administrative), arrest, police action or prosecution, or which may aid a person to escape, destroy or remove evidence, or
3. Communicate any information which may endanger the safety or well being of others or jeopardize the operation of the department, or
4. In any manner collect, distribute, post and/or share information associated with Public Safety Department functions including, but not limited to, meetings, training, and crime or accident scenes, for personal use and/or profit. Information includes, but is not limited to, written records or reports, audio recordings, and photographic recordings (still or video, digital or film), or
5. Release employment or reference information on former or current employees. If contacted as a reference, the member is required to first notify the Department of Public Safety's Legal Advisor and will not release any information until approved by the Public Safety Chief or designee.

- H. **Integrity** - Members are required to be truthful in matters associated with Department responsibilities.

- I. **Loyalty and Trust**

1. Members are not to abuse the authority entrusted to them or the trust of the community they are sworn to serve.
2. Members are not to take police action that they know, or should know, is not in accordance with the law.
3. Members are entrusted to effectively, helpfully, and not abusively use the power and public trust vested in them.
4. Members always use their position and credentials appropriately.
5. Members must assist any department-authorized investigation.

- J. **Adherence to Laws** - Members are to obey the laws of the United States of America and of any state or local jurisdiction