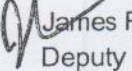




COPY

TO: Marilyn C. Ford  
Corrections Director

DATE: March 8, 2011

FROM:  James R. Ryan  
Deputy Director, Department of Public Protection

FILE: DPP-011-016

SUBJECT: EEO Fact Finding Report of 3/2/11

**Purpose.** The purpose of this memo is to forward the attached final report.

**Background.** In accordance with instructions contained on the Equal Employment Opportunity and Sexual Harassment Acknowledgement Form (Form), Corrections Division Director Ford notified Human Resources in August 2010 concerning a complaint from an employee noting inappropriate behavior allegedly made based on race and directed at Lieutenant Wanda Edwards. Further contact was made with Human Resources to emphasize the need to interview appropriate personnel to determine if the complaint would rise to a level of merit in view of EEOC guidelines. An initial draft report was presented for preliminary review on January 6, 2011 but was returned to conduct additional interviews and to finalize the report.

**Information.** The final fact-finding report, prepared by Ms. Gordon, Volusia County Human Resources Manager/EEO Officer, has been reviewed in its entirety. The report finds that 16 allegations/statements could not be substantiated, and 3 allegations/statements could be substantiated.

Of concern, the report notes that despite the existence of long-standing, open-door and anti-retaliation policies with clear reporting procedures, none of the personnel interviewed who had heard of these instances of alleged offensive language or unprofessional conduct – either directly or indirectly - had reported them to any supervisory personnel for corrective action.

The report further concludes that although three allegations/statements may have been substantiated in occurrence and that Lt. Edwards' actions in these three circumstances may also have been perceived by some to be inappropriate or offensive to some limited degree; there was, however, insufficient factual evidence to support that her actions and statements were motivated by any discriminatory intent.

On review, there is concurrence with the findings and conclusions of this report. No subsequent investigative actions are considered appropriate.

**Action.** The report is forwarded and directs specific personnel counseling be conducted along with division-wide training that re-emphasizes county policies and reporting procedures designed to avoid an intimidating, hostile or offensive work environment.

Attachment

Cc: Mike Coffin, Director, Public Protection Department  
Tom Motes, Human Resources Director ✓  
Charles Hargrove, Assistant County Attorney

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## Fact Finding Report

Purpose

The purpose of a fact finding is to gather information or to conduct a preliminary research to gather facts to be used by the department/division in determining dispute resolutions or whether a full/internal investigation, or hearing is required.

Background

The County instituted a *No Harassment & Equal Employment Opportunity & Sexual Harassment Acknowledgment Form*. The form's purpose is to inform employees of the County's No Harassment policy, notify the employee of reporting guidelines, and provide the employee an avenue to state whether or not he/she is aware of any inappropriate behavior occurring in or outside of the workplace.

In August 2010, Officer Tara Passarella-Thomas (Thomas), met with Dr. Marilyn Chandler-Ford, Corrections Director (Dr. Ford), to discuss several concerns she had regarding the workplace and the (No Harassment) acknowledgement forms. Thomas informed Dr. Ford of the incident she had with her supervisor (Lieutenant Grey) when she was given the form to complete at the time of her evaluation. Thomas also told Dr. Ford that she was aware of [alleged] inappropriate behavior occurring in or outside of the workplace. Thomas' complaint of inappropriate behavior was based on race, and was directed at Lieutenant, Wanda Edwards.

On September 1, 2010, Dr. Ford contacted Chandra Gordon, Human Resources Manager (Gordon) and requested a fact finding regarding Thomas' allegation.

Dr. Ford also informed Jim Ryan, Deputy Director of Public Protections, of Thomas' complaint, and asked Gordon to interview staff whom Dr. Ford believed were relevant in determining whether Thomas' complaint held any merit.

According to Dr. Ford, Thomas (white female) alleged that Lt. Edwards (black female) had made racial remarks about white people, such as:

- *she [Edwards] did not like anything white, she did not even wear white socks; Edwards,*
- *she used terms such as "white crackers, during staff briefings, whenever she repeated statements made by an on air radio personality, Steve Harvey;*
- *she told black inmates that since Obama is president/in control, that they did not have to be in here [jail].*

Thomas stated that she felt that Lt. Edwards did not like white people, and that she, as well as other officers, did not like working with Edwards and could not wait until they had the opportunity to change shifts. Dr. Ford stated that approximately six or eight months ago, Sergeant Andre Henkle wanted to change her shift in order to work opposite of Edwards.

Dr. Ford provided Gordon the names of officers to interview and a list of days, according to shifts (Charlie/Delta), in which the interviews could be conducted. Gordon interviewed officers on September 10 and 15, 2010. The profile of the officers interviewed are as follows: seven (7) white females (W/F), seven (7) black females (B/F), one (1) black male (B/M), and two (2) hispanic males (H/M).

Staff Interviewed:

*Charlie - Day Shift* 7:45 a.m. - 8:00 p.m. - Tara Passarella-Thomas (W/F), Eric Belk (H/M), Sgt Andrea Henkle (W/F), Sheryl Fritinger (W/F), Roseann Wyman (W/F)

*Delta – Night Shift* 7:45 p.m. – 8:00 a.m. - Sgt. A.J. Pendergrass (W/F), Sgt. Willie Jenkins (B/M), Jamie Bryant (B/F), Mindy Clifton (W/F), Victoria Bentley (B/F), Dolores Channell (W/F), Karen Scarborough (B/F), Kayla Fields (B/F), Fermin Quinones (H/M), \*Elveni Jiles (B/F), \*Simone Walters (B/F), Lt. Wanda Edwards (B/F). (\*NOTE: Names added during course of interviews)

### Summary

All staff interviewed stated that Edwards knows her job, is straight forward, strict and at times intimidating. Five (5) of the 17 (29%) officers (all white, females: Channell, Clifton, Fields, Thomas, Wyman) interviewed alleged that Edwards treated white officers differently from black officers. One (Henkle) of the 17 stated that she *did not think Edwards' behavior to others was discriminatory; but more resembled a dictatorship*. The remaining 11 (65%) officers interviewed indicated they believed Edwards treated everyone without prejudice.

Most of the officers interviewed stated they were afraid to participate in this fact finding for fear of reprisal; not only from Edwards, but from other supervisors (at all levels) as well.

*Note: Although the officers stated they feared reprisal, there is no factual evidence to support the employees' claim. The Volusia County Division of Corrections (VCDC) has an open door policy, anti-retaliation policy, and clear reporting procedures, which the employees did not use. These policies and procedures are given and are available to employees during his/her new employee orientation, field training class, VCDC standard operating procedures, merit system rules and regulations, and the employee handbook.*

I. Thomas' Allegations: Edwards' behavior at work was unprofessional, inappropriate, and directed towards race based on the following:

1. Thomas and Edwards attended a deposition. The attorney's office staff had celebrated a birthday and one of the staff offered both Thomas and Edwards a slice of cake. Edwards, after noticing that the cake was sectioned with chocolate and vanilla pieces, allegedly said "I will not eat anything where white is touching black." Thomas stated this occurred over a year ago.

*Finding: Unsubstantiated. This statement was denied by Edwards and was not be confirmed by anyone else. No other facts/corroborating information were provided or were ascertained by Gordon.*

2. Edwards used the term "those people" when referring to white people.

*Finding: Unsubstantiated. Although Edwards has stated that she (as well as other staff) have used the phrase "those people", she says that she has also used the term when referring to whites, blacks (or any other race), men, women, job positions, etc. Edwards stated she may have even said "they, them, etc. There is no corroborating evidence to show that Edwards singled out any one particular race, gender, etc.*

3. Edwards would sometimes walk into a room and not speak and or just interrupt her [Thomas] conversation with another officer.

*Finding: Substantiated. White and black officers have stated that Edwards has at times walked into a room and did not speak and or just interrupted their conversation with another officer. Although Edwards may not have spoken or may have interrupted Thomas' and other officers' conversations, there is no factual evidence that she single/targeted Thomas or any particular gender or race.*

*Fritinger stated there were times when she would say good morning and Edwards would not respond; then one day Edwards came out of the office and said good morning/afternoon to Fritinger and a group of officers.*

*Edwards stated if she did not speak to anyone, it was unintentional. Most of the time her mind is preoccupied and she may not have heard them speak. Edwards stated she may interrupt any/everyone's conversation from time to time in the same manner as everyone else does.*

*Other officers (white and black) stated this would happen with Edwards as well as other (black/white/men/women etc.) staff.*

4. Edwards stated *she did not like anything white; she did not even wear white socks.*

*Finding: Substantiated. Five (5) officers confirmed that they actually heard Edwards say that she did not like anything white, she did not even wear white socks, (Channel, Clifton, Thomas, Henkle, and Wyman - all white females). Fields (BF), stated she believed she had heard Edwards make the "white socks" statement but was not sure.*

*The officers who heard this statement (ref. "white socks") interpreted it as Edwards not liking white people. However, there were no additional facts to reasonably determine if Edwards' statement was intended to be discriminatory.*

*Three (3) officers Fritinger (WF), Quinones (HM), and Sergeant Pendergrass (WF) indirectly heard about the aforementioned statement second hand/hear say. Their interpretation of the statement was either Edwards did not like white people/a feeling of discontent (Fritinger), or it was just a statement - not racially motivated (Quinones, Pendergrass).*

*The officers stated that the "white socks" statement happened/was mentioned over a year (or more) ago.*

*On November 12, 2010, (separate from this fact finding) Sergeant Raymond Morris (Morris) was contacted by Gordon because he had completed the No Harassment Acknowledgement form and answered "Yes" to having knowledge of any inappropriate behavior occurring in or outside of the workplace. Morris stated that he marked "Yes" because of conversations that he had with two officers (Clifton, and Channel) regarding their perception of Edwards attitude towards staff (demeanor, snide/snappy remarks, the way she treats staff). Morris stated he had heard Edwards say (approximately six months ago) "I do not like the color white" and that she has one pair of white socks "I don't even wear them." He interpreted the statement as Edwards did not like white people and thought it was inappropriate. However, the context in which Edwards allegedly made the statement could not be determined.*

*Edwards denies she made the "white socks" statement. She stated that an officer (Wyman), "years ago" (approximately 10 years) filed a report regarding her [Edwards] and the alleged statement. Edwards stated the complaint was investigated by Corrections management and it was never substantiated. To date, she has maintained that she did not make the "white socks" statement. Administrative Director Les Neel also stated that the incident occurred years ago and was investigated when reported by staff, to his recollection, the complaint was unsubstantiated.*

*Dr. Ford, reviewed the Corrections' incident report database and found an entry that a report of the incident was made in 2005. The investigation of incident resulted in two opposing statements (Wyman vs. Edwards) of what occurred and the investigating officer was not able to substantiate that the incident occurred.*

*Other than Sgt. Morris, all other officers who actually heard Edwards mention the "white socks" statement, stated that it had probably been over a year (timeliness issue) since she had said it. Morris' statement results (again) in two opposing statements of whether the statement by Edwards continued. Additional information may be ascertained through a formal internal affairs investigation.*

NOTE: All officers who complained about the "white socks" statement (including Sgt. Morris) were asked if they told anyone in his/her chain of command. They all answered "No" and stated that they did not think anything would be done. When asked about using the chain of command to report complaints, all officers were aware of the Division's and County's reporting process.

The officers knew they should have reported such actions, and that retaliation is not tolerated. Morris stated that Clifton and Channell talked to him about their issues with Edwards. Fritinger also stated she talked to Lieutenant Mark Katsner about Edwards. It is noted that Thomas and Morris report of the officers' issues with Edward was prompted by the County's acknowledgement form.

5. Edwards (during staff briefings) repeated terms such as "white crackers" whenever she reference statements said by an on air radio personality, Steve Harvey. *Thomas stated this occurred over a year ago.*

*Finding: Unsubstantiated. Other than Thomas, no one stated they had heard this statement/terminology. Fields stated that she has not heard Edwards use the term "Cracker" in briefing or in front of others. Fields stated that Edwards may have referenced the Steve Harvey show and comments/jokes when she talked to us (referring to black officers).*

6. [paraphrasing] Edwards told black inmates that since Obama is president/in control that they did not have to be in here [jail]. *Thomas stated this occurred over a year ago.*

*Finding: Unsubstantiated. No one other than Thomas, has stated if they have heard this statement. One officer (Channell) stated that everyone was saying things similar to the statement, and two officers (Fields, Walters) stated that Edwards referenced Obama being in control but not in the aforementioned context.*

7. *Edwards does not like white people.*

*Finding: Unsubstantiated. Other than the "white socks" statement/issue, Gordon could find no evidence to sustain the allegation that Lt. Edwards does not like white people.*

8. Since she [Thomas] has been assigned to Edwards' unit, she has received the lowest evaluation ever (approximately one year ago). Thomas said she challenged the evaluation and it was changed.

*Finding: Unsubstantiated. Gordon and Corrections staff reviewed the Corrections Division files (during the timeframe of May 2009 – November 2010) and did not find any factual evidence to support this claim. Additionally, according to Dr. Ford, this statement appears to be inaccurate. Dr. Ford stated that Thomas reported her concerns to her [Ford] and that Thomas' complaint was not directed to Lt. Edwards, but about her then supervisors. Thomas' evaluations score for the most recent year was lower (84) than the prior year (86), and that Thomas did discuss/challenge it with those supervisors. In addition, Thomas was assigned to another supervisor during the past four shifts (2 years) and not directly to Edwards.*

9. Thomas never told anyone about some of the issues because she did not want to be singled out. Thomas assumed that management was aware of the problem.

*Finding: Unsubstantiated. Other than this statement, Thomas has not provided, nor has Gordon been able to identify any incidents to support Thomas's fear of "being singled out". Thomas should have addressed the issue(s) with management instead of assuming management was aware of her fear to come forward.*

10. Thomas has heard some black officers refer to Alpha/Bravo as the "white Shift" and Charlie/Delta as the "black Shift".

*Finding: Unsubstantiated. Gordon could not find any evidence to substantiate the allegation. Only one officer (Bently) stated she may have heard of the statement but does not remember who may have said it. Bently stated she has never referred to any shift as white or black. Thomas has not identified any officers who attest to the claim that Alpha/Bravo is known as the "white Shift" and Charlie/Delta as the "black Shift".*

- II. During the interview sessions, five officers (Thomas, Henkel, Channell, Wyman, Clifton - all white females) alleged that Edwards seems to reprimand/discipline/counsel white officers more than black officers.

*Finding: Unsubstantiated. Gordon and Corrections staff reviewed the Corrections Division files (during the timeframe of May 2009 – November 2010) and did not find any factual evidence to support this claim. Sgt. Pendergrass stated that while under her [Edwards] supervision that she has noticed that Edwards is consistent in supervision and that Edwards "will get on [discipline/counsel] one person as quick as she would another."*

1. Clifton stated that:

- a. She was told (while on night shift) that the way she was sitting was inappropriate; however, another black Officer (Scarborough) who was also in her [Clifton] area had her head on the desk and was not told anything.

*Finding: Unsubstantiated. This incident does not support the claim that Edwards reprimanded/disciplined/counseled white officers more than black officers. Clifton was counseled about how she was sitting, but there was no evidence provided proving that a black officer did the same or similar behavior and was not counseled in the same manner.*

*Edwards and Pendergrass remembered the incident Clifton recalled. Edwards and Pendergrass acknowledged that one night, Edwards saw Clifton sitting down with her feet up on a chair/stool while on duty. Edwards told Clifton's*

sergeant (Pendergrass) what she had witnessed, and told Pendergrass that Clifton's behavior was not professional [appropriate]. Edwards instructed Pendergrass to tell Clifton to put her feet down. Pendergrass did as instructed. Pendergrass stated she did not notice/see Scarborough with her head down on the table.

Scarborough refused to verify the incident and refused to participate in this fact finding.

Edwards stated she would have told or instructed a sergeant to tell any officer (sitting the way Clifton was) the same thing.

Clifton stated that she was sitting (on crates) with her feet up on the chair because her back was hurting, and that the chair in her work area was broken. Pendergrass stated that Clifton could have notified staff that her back was hurting and requested her [Pendergrass] or someone to bring her a better chair.

- b. Other black officers (e.g., Bently, Bryant) have sat in the control room with their legs open or propped up, drinking hot chocolate/coffee and Edwards said nothing.

*Finding: Unsubstantiated. Statement could not be corroborated by other staff.*

*Edwards, Bently, and Bryant denied the above referenced actions happened.*

2. Clifton also stated she felt Edwards treated her unfairly when:

- a. Edwards yelled at her for not following instructions regarding transporting/guarding a prisoner at Halifax Hospital. Clifton claims she did as Edwards instructed her.

*Finding: Unsubstantiated. Information provided was not enough to compare or show that Edwards treated Clifton unfairly.*

*Edwards confirmed that Clifton did go to the hospital for prisoner transport/guard assignment without checking in with her lieutenant or sergeant on duty. Edwards did not think she yelled at Clifton, but did admit she was frustrated with her.*

*Clifton stated that Edwards told her, on September 6, 2010, to go straight to the hospital before reporting to work on September 7, 2010, and that Jenkins witnessed Edwards giving instructions to her. However, Edwards stated she would not have told Clifton to go to the hospital without first checking/verifying with her supervisor to see if the prisoner had been released or was still at the hospital. Jenkins, did not recall the incident, but stated that normally officers are to call/check in at work before going to the hospital for prisoner transport/guard.*

- b. Edwards screamed at her in front of inmates regarding how a (detox) inmate was sitting on the toilet.

*Finding: Unsubstantiated. Information provided was not enough to compare or show that Edwards treated Clifton unfairly.*

*Edwards confirmed the incident took place. Edwards admitted that she was frustrated with Clifton for making rookie errors and not following directions. Edwards stated she may have hurt her [Clifton's] feelings when she counseled/talked to her. Edwards stated Clifton did not properly secure/check the inmate, and she told Clifton that with her [Clifton's] experience, she should*

*know how to work every wing, not just the one she's assigned to. Clifton stated the incident happen this year (2010), but no actual date was confirmed.*

*Note:* Clifton met with Gordon after the interviews had been conducted and complained that Lt. Edwards was only communicating with her through her sergeant. This was communicated to Dr. Ford and recommended that Corrections follow up on this complaint in the same manner as the division would handle any other internal complaint. The officer reiterated her strong fear of being under the supervision of Lt. Edwards. This information was relayed to Dr. Ford and Mr. Ryan.

*Note:* Fritinger (W/F) stated that she had no problem with Edwards. She had been written up by Edwards a number of times when she was on Edwards' shift. Fritinger did admit she thought Edwards was picking on her; but also stated the write ups were for things that she had done [wrong/infractions]. She stated she believed working with Edwards made her a stronger officer, but she does not want to work with her anymore. Fritinger stated the Edwards was not the only person that seem to pick on people. In Fritinger's opinion, other lieutenants seem to find a person and "make it hard for them". She did not name the lieutenants.

*Note:* Channell stated Edwards had a degrading/demeaning attitude toward staff. Channell also stated that Sgt. Henkle was also disrespectful and worse than Edwards.

*III.* Other officers (all white, excluding Pendergrass) stated that Edwards socializes more with black officers than she does with white officers, and or Edwards only socialized with the black officers.

*Finding:* *Unsubstantiated. Five (5) of the seven (7) white females believe this allegation to be true based on their perception when they would see Edwards laughing and talking to black officers. Some officers stated Edwards allowed black officers more privileges (e.g., use of phones while on duty). Based on the interviews, there was no factual evidence to support the officer's perception or that the black officers were allowed more privileges.*

*One white female (Fritinger) stated that "Edwards would help/support you [officers] if you needed help with anything;" She also stated that Edwards seems to be more social with blacks.*

*Another white female (Pendergrass) disagreed with this allegation (as stated in #III) and stated that "Corrections as a whole (white, black, men, women, smokers etc.) tend to have groups in which each feels more comfortable or have things in common, which make a group dimension. Sometimes they [the group] band together and segregate themselves." Pendergrass stated she has seen Edwards talking to everybody and outside smoking with staff (white, black, male, female, management and non-management).*

*None of the black or hispanic officers agreed with this allegation (as stated in #III) and stated they have seen Edwards socialize with everyone.*

*Fields (B/F) does not think Edwards socialized more with one group more than another. She stated that Edwards tells the truth, does not "bite her tongue", is consistent in the way she treats all staff, and that some people do not know how to handle Edwards because she is strong and speaks her mind.*



*Edwards has stated that she talks to all staff, but knows that there are certain ways a person needs to communicate with some staff. Edwards stated she takes breaks/smoke breaks with any staff. This was corroborated by Pendergrass, Jenkins, Belk, and other officers.*

*Note: Other officers, white and black, stated they believed that other Corrections supervisors appear to show preference to one race or gender over another. This allegation has not been determined in this fact finding.*

IV. The following allegations regarding inmates and Edwards were mentioned:

1. Edwards has made the following comments to or about white inmates:
  - a. "I like my coffee black, no cream" (heard by Clifton when a white inmate was being verbally abusive and commenting on Edwards' sexuality)
  - b. "I would not eat anything white (heard by Fields when a white inmate was being verbally abusive and commenting on Edwards' sexuality)

*Finding: Substantiated. The statements IV-1a, b (based on Gordon's recollection), were made over a year ago.*

*Edwards admitted that she had been counseled in the past (over a year ago) regarding her behavior or comments to inmates. Her file supported Edwards' statement.*

*Other officers that were interviewed stated they have not heard Edwards make any inappropriate comments to/about white inmates; and that they see no difference in the way she treats one group of inmates from another group.*

2. Channell and Clifton stated they have noticed that Edwards will get in the face of a white inmate but will not get in the face of a black inmate.

*Finding: Unsubstantiated. No other officers supported this allegation. Edwards denied this allegation.*

**Conclusion:**

*Although Edwards' actions are perceived by some officers to be inappropriate, the information ascertained from staff interviews did not provide enough factual evidence to support that Edwards' actions were motivated by discriminatory intent.*

- 16 allegations/statements were unsubstantiated
- 3 allegations/statements were substantiated
  - I-3: Edwards sometimes walked into the room and did not speak. It was substantiated this action occurred; however, there is no factual evidence that she single/targeted Thomas or any particular gender or race.
  - I-4: Edwards statement "*she did not like anything white; she did not even wear white socks*". Only one officer (Norris) reported he had heard Edwards make the statement within a year of complaint being reported. Five officers stated that the "white socks" statement happened/was mentioned over a year (or more) ago.
  - IV-1a, b: These comments about/to inmates occurred more than a year ago and had been addressed by management prior to being reported.

This fact finding report was requested by the Division of Corrections. It is recommended that the Corrections' Director review this fact finding report with Public Protection's Senior Management, the Human Resources Director and a Legal Department representative to determine if any further action is required and/or to discuss recommendations.

Signature of Interviewer(s)

Chandra Gordon

Print Name

*Chandra Gordon*

Signature

3/4/11

Date

Cc: Michael Coffin  
Jim Ryan  
Marilyn Chandler-Ford  
Tom Motes  
Charles Hargrove