

April 11, 2019

To: West Union City Council, Mayor Keller, Administrator McIntyre

Re: Forced Resignation of Police Officer Sierra Fox

I completed law enforcement training in 2013 and started my career as a police officer in Fayette. On July 1, 2015, I moved to the next stage of my career as an officer with the West Union Police Department. At that time, Matthew Walker was the Chief. He treated me just like the rest of the officers: he respected me and I felt like he had my back. I felt safe and I felt like a valued member of the Police Department. Everything changed when Chief Paul Bechtold started with the Department in September 2017.

Throughout his time in West Union, Chief Bechtold has treated me—the only female officer—like I am lesser than my fellow officers. He has made derogatory comments about women, including me. He has witnessed and ignored sexual harassment. He has ignored my requests to attend K9 training. He has retaliated against me using the disciplinary process. And, as the attached affidavits demonstrate, he has put my life in danger by instructing fellow officers not to rush to help me when I called for emergency backup. He justified this order by saying I am dramatic and not worth the liability. Other certified police officers heard Chief Bechtold say these things and have signed sworn affidavits, under penalty of perjury, confirming Chief Bechtold's sexist conduct. (Exhibits 1-2).

On January 23, 2019, I submitted a formal complaint to West Union Administrator Nick McIntyre and Mayor Adam Keller. In the complaint, I addressed Chief Bechtold's retaliation, hostility, and ethics. I also complained about the assignment of duties and responsibilities and sexual harassment in the Department. (Exhibit 3). Administrator McIntyre and Mayor Keller acknowledge receiving this complaint. (Exhibit 4). That same day, Administrator McIntyre notified the Chief of my complaint. (Exhibit 4).

On February 9, 2019, I filed a complaint with the Iowa Civil Rights Commission. (Exhibit 5). A few days later, Administrator McIntyre called me to set up a meeting about my internal complaint. Since I had just filed the complaint with the Iowa Civil Rights Commission, I told him I didn't know how to proceed with such a meeting. I then retained counsel.

On February 22, 2019, my attorneys sent a letter to the City. (Exhibit 6). In that letter, my attorneys said I was willing to talk to Administrator McIntyre and Mayor Keller about my complaint. My attorneys asked that they be contacted to set up the meeting.

On February 25, 2019, I filed an Amended Complaint with the Iowa Civil Rights Commission. (Exhibit 7). On March 4, 2019, the City Attorney confirmed receipt of my attorneys' letter offering to participate in an investigation into my complaint. (Exhibit 8). Still, no one from the City bothered to investigate my complaint or even asked me to meet to discuss the complaint.

At some point after I filed my complaint with the Iowa Civil Rights Commission, the City submitted responses. (Exhibit 4). In those responses, the City falsely claimed that I refused to

meet with Administrator McIntyre and Mayor Keller about my complaint. On April 3, 2019, my attorneys reiterated my willingness to have a meeting. (Exhibit 9).

The meeting never happened.

Instead, on April 10, 2019, I was summoned to a meeting with Administrator McIntyre and Councilmen Andy Smith and Neil Bentley. I was given six write-ups for performance issues, every single one of which is alleged to have occurred after I complained about discrimination, harassment, and retaliation. (Exhibit 10). I was placed on administrative leave and told I had until noon on Friday April 12, 2009 to resign; if I did not resign, my termination would be taken up at Monday's city council meeting.

Administrator McIntyre opened the meeting by saying, "In the last few weeks, we've had a few concerns with performance." This shows me the City started looking for reasons to get rid of me once I filed complaints with the City Administrator and the Iowa Civil Rights Commission. Administrator McIntyre said, "It appears something is going on. Like you're not engaged like you used to be." The only change has been my decision to stand up for my rights and report Chief Bechtold's illegal conduct. Administrator McIntyre acknowledged as much when I reminded him and Councilmen Smith and Bentley about my complaints. McIntyre immediately responded, "Yep, yep, yep."

The write-ups Administrator McIntyre gave to me are based on false or exaggerated information:

- I am accused of "refusing to obey a direct order" by requesting a new PBT because my PBT was not calibrated. Chief Bechtold apparently claims I was supposed to calibrate my PBT, but I was never shown how to do that and it was never brought to my attention until I complained about Chief Bechtold's sex discrimination against me.
- I am accused of spending time at the Fayette County Sheriff's Office. As you will read in the attached affidavits from former West Union police officers, this was normal and accepted behavior for male officers. (Exhibits 1-2). Chief Bechtold targeted me, as a female, and has not banned any other officer from the Sheriff's Office.
- I am accused of failing to log K9 training for Xena. The information provided by Chief Bechtold is demonstrably false and I can provide documentation showing Xena is properly trained. I was not asked for this information prior to being placed on administrative leave and being told I had to resign or be fired.
- Amazingly, I am also accused of spending too much time outside my scheduled hours working with Xena on training and large-area sniffs. I have never been prohibited from conducting extra work to train Xena, but now it is being presented as misconduct.
- I am accused of both (1) failing to respond to a request for assistance, and (2) responding to a request for assistance without first telling Chief Bechtold. In the first instance, other agencies had the issue handled and dispatchers told me I did not need to respond. In the second instance, I was asked to provide K9 assistance and did so, as I am required to do.

- I am also accused of failing to properly respond to medical calls. Responding to medical calls has always been an issue of officer discretion. Every officer at West Union has to decide whether to respond to specific calls. My presence was not requested at the calls listed in the write-up and the issue was never discussed with me before the meeting.

During the meeting with Administrator McIntyre, I repeatedly offered to provide evidence rebutting the allegations against me. Even so, he told me I had to resign by Friday at noon (less than 48 hours later) or I would face termination the following Monday. None of these issues were ever discussed with me, no investigation was conducted into the accuracy of these allegations, and I never would have been ambushed with these allegations had I not filed complaints against Chief Bechtold. Even though Administrator McIntyre delivered the write-ups, Chief Bechtold clearly wrote them (they repeatedly say "I," referring to Chief Bechtold.)

The City's actions have left me no choice. Administrator McIntyre has made it clear my rebuttal evidence will not be considered. I know I have no chance to be treated fairly at this point because, when I did complain, this was the result – baseless allegations.

I tried to do the right thing by notifying the City of Chief Bechtold's illegal conduct. I hoped that the City would investigate and address these issues. Like many women, the reason I did not speak up sooner is that I was afraid I would be retaliated against. Unfortunately, I was right.

One of the greatest privileges of my law enforcement career has been the designation of K9 handler. I became Xena's handler in February 2016 when the previous handler left due to an injury. Xena and that handler had not yet attended certification together and were just in the bonding phase of training. I am the only handler Xena has ever patrolled with.

When her former handler left, Xena was housed at the Police Department in inhumane conditions. She is a large dog and was kept a small pet-a-port type plastic kennel. When I would come into work for my scheduled shift, Xena almost always had defecated and urinated on herself inside the kennel because no one let her out. Because Xena has severe separation anxiety, she chewed on the kennel to the point where her mouth would constantly bleed. When I got to the station, I would immediately give Xena a bath, wash her kennel, and feed/water her. I played with and exercised Xena throughout my scheduled shifts, but when I returned for my next scheduled shift, Xena would be in the same condition and I would have to start all over again. Xena was also not receiving the appropriate amount of food and as a result was underweight.

As Xena's handler, I have been able to get her free dog food for the remainder of her career, a free ballistic/stab vest, and free healthcare. I have held fundraisers to raise maintenance funds, done public demonstrations, and sent donation request letters to ensure Xena's care. Xena is trained and certified through North Iowa K9 (NIK9). Her Master Handler is Paul Samuelson.

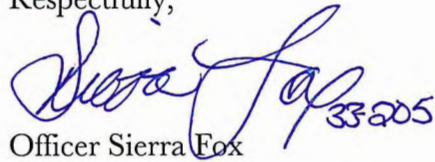
The bond between a K9 and a K9 officer is unique and a very important part of the process of training. K9s do not bond with other people like they do with their handlers. As Mr. Samuelson can confirm, K9s do not typically change handlers as such a change can cause stress and

confusion, causing the dog to shut down and be forced to retire. I worry this will happen if Xena is taken from my care as a result of my forced resignation.

Knowing she could not and should not live as she had been at the police department, I took Xena into my home. I personally paid for a 6-foot vinyl fence in my backyard for Xena. I saved her from an unsafe, cruel environment and gave her a comfortable home where she is loved, upkept, trained, and safe.

I am crushed to submit this resignation. I do not want to stop being a West Union police officer. I've never been without work. I am terrified. But, in retaliation for my complaints, I am being given no choice. The decision has been made to take my job from me. Please do not also take Xena away from me. Give the conditions Xena lived in before she came to live with me, there is no guarantee that she will be loved, upkept, trained, and safe if she is taken from me. To take her away from me would be cruel and punitive. I ask for your compassion when it comes to making that decision.

Respectfully,

A handwritten signature in blue ink that reads "Sierra Fox" with the number "33205" written below it.

Officer Sierra Fox

AFFIDAVIT OF MAKENZ KRIENER

STATE OF IOWA }
 }
COUNTY OF HOWARD }

ss

1. My name is Makenz Kriener. I am 27 years old and reside in the State of Iowa.

2. I am of sound mind and provide the following information voluntarily and without receiving any compensation or promise of future compensation for the information.

3. On December 4, 2017, the West Union City Council approved my hiring as a West Union Police Officer.

4. West Union Chief of Police Paul Bechthold was my supervisor and recommended my hiring.

5. Chief Bechthold started serving as the West Union Chief of Police just a few months before the City Council approved my hiring.

6. I was hired in December 2017 and immediately started working as a police officer. However, I was not scheduled to attend the Iowa Law Enforcement Academy's Basic Academy for police officers until January 2, 2018. I successfully completed and graduated from the Basic Academy on April 18, 2018. I continued serving as a West Union Police Officer until June 2018, when I left the City to get away from Chief Bechthold.

7. Starting the very first day I reported to work, I observed that Chief Bechthold was hostile toward, looked down upon, and lacked respect for women, including West Union Police Officer Sierra Fox.

8. When I first started, Chief Bechthold tried to convince me that Officer Fox, the only woman who worked for the police department, was promiscuous and a bad police officer.

9. Chief Becthold told me Officer Fox could not “keep her legs shut” and told me I “better not” have sex with Officer Fox, as if he had some expectation that Officer Fox would try to have sex with me.

10. Chief Becthold told me Officer Fox had dated “every deputy in the county” had had “drained” all their back accounts.

11. Chief Becthold called Officer Fox a “bitch” and a “cunt.”

12. Chief Becthold told me that if Officer Fox was in a chase and called for help, there was no need to rush to get to the chase to assist her because the suspect “would just stop anyway.” I never would have abided by this command, but it was a dangerous and completely unacceptable order for Chief Becthold to give me.

13. Chief Becthold’s constant negative comments about Officer Fox, and his focus on her sexuality and private relationships, made me skeptical about Officer Fox and her abilities as a police officer. Once I started working with Officer Fox, however, I realized that Chief Becthold was completely wrong.

14. Officer Fox is an outstanding police officer and, as a new police officer, I learned a lot from her. She was committed to the job, she was knowledgeable, and she was professional. Bottom line, Officer Fox is a good cop. Unfortunately, Chief Becthold ignored her knowledge, skills, and abilities as a police officer and instead focused on her being a woman.

15. Chief Becthold’s conduct impacted my working relationship with Officer Fox. Because of Chief Becthold’s obsession with people “hooking up with” Officer Fox, I was occasionally shorter with Officer Fox than I was with male officers because I did not want anyone to think Officer Fox and I were in a relationship.

16. When Officer Fox requested a police uniform made for women, Chief Becthold falsely told her the department’s uniforms did not come in a women’s style.

17. I believe Chief Becthold treated Officer Fox differently because she is a woman.

18. I was sometimes late for work, but Chief Becthold did not write me up. On one occasion, Chief Becthold even told me I could use comp time to make up for not being on time for the beginning of my shift.

19. Officer Fox told me about one night when she was working and Chief Becthold had gone out drinking with another male West Union police officer who had just turned 21. Officer Fox told me the younger officer called her and said some inappropriate things, including something about wanting to hook up with her, while Becthold was sitting with him. Officer Fox told me about it the day after it happened, and she was visibly upset. I don't think Chief Becthold did anything to address the situation.

20. As a West Union police officer, it was common to visit the Fayette County Sheriff's Office on a daily basis. Our dispatchers work for Fayette County, so we would visit the Sheriff's Office to keep up on information related to calls, speak with the dispatchers, get information, get tickets notarized, or spend time bonding with the dispatchers and deputies.

21. Because of the dangerous nature of police work, it is essential to have strong relationships with dispatchers and nearby law enforcement officers from other agencies, including deputies. One of the first things they teach you at the Academy is to have a good relationship with your dispatchers. In an emergency, the familiarity, camaraderie, and trust in other law enforcement professionals can mean the difference between life and death.

22. I was never banned from the West Union Sheriff's Office, and I think it would be dangerous for a police officer, like Officer Fox, to be told she cannot visit the Sheriff's Office unless she is collecting criminal records. It would be dangerous because it would isolate the officer and make her an outsider to the law enforcement professionals who would be asked to back her up in an emergency. It might also cause those professionals to lose trust in the officer.

23. In addition to his animosity toward Officer Fox, I observed Chief Becthold routinely degrading female citizens and female employees of the City of West Union.

24. Chief Becthold referred to a City payroll employee who worked across the hall from the police department as a “bitch” and a “dumb bitch.”

25. In private, Chief Becthold referred to women as “bitches” and “cunts.” At some point, nearly any woman Chief Becthold referred to would be “that bitch” or “that stupid bitch” or “that dumb bitch” or “that chick.” Chief Becthold had no respect for women when he talked about them; he almost always used derogatory terms to refer to women.

26. Chief Becthold often talked about being intimate with strippers and made jokes about his own sexual history with strippers.

27. Chief Becthold talked about going away on trainings (paid for by whichever government was employing him at the time) and meeting up with his “ex-stripper” girlfriend. Chief Becthold told me he liked to use hotel rooms for this, and that he liked to go to strip clubs to “have fun.” I remember this conversation vividly, and even remember Chief Becthold and I were in a squad car in the high school parking lot, looking at illegally parked cars, when he brought it up.

28. Chief Becthold regularly told inappropriate jokes, including degrading jokes about women.

29. When Chief Becthold saw, or even heard about, attractive women, he would talk about “hooking up with them” as if they were just objects for his sexual desires.

30. I got fed up with working for Chief Becthold and started looking for police officer jobs with other jurisdictions. When Chief Becthold found out I was looking for jobs, he tried to get me fired. Chief Becthold even went to the City Council and asked for my termination, using

fabricated allegations to support his request. The City Council shut down the Chief's attempt to fire me.

31. I have continued working as a certified police officer since leaving employment with the City of West Union.

32. This information is provided to provide a general understanding of Chief Becthold's demeanor toward women, including Officer Fox, and is not meant to be a complete description of each and every sexist comment or act I saw from Chief Becthold. I may remember more or different information if I am presented with more detailed questions.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct. Executed on March 15th, 2019.


Makenz Kriener

AFFIDAVIT OF DANIEL MOORE

STATE OF IOWA)
)
COUNTY OF POLK) ss

1. My name is Daniel Moore. I am 27 years old and reside in the State of Iowa.

2. I am of sound mind and provide the following information voluntarily and without receiving any compensation or promise of future compensation for the information.

3. In approximately April 2017, Paul Becthold hired me as a Reserve Police Officer for the City of Nashua, Iowa. At the time, he was Nashua’s Chief of Police.

4. I served under Chief Becthold until approximately September 5, 2017, when he resigned to accept the Chief of Police position with the City of West Union, Iowa.

5. I continued working as a Reserve Police Officer in Nashua through 2018, until Chief Becthold recruited me to come work for him in West Union.

6. I was hired by the City of West Union as a Reserve Police Officer on approximately November 19, 2018.

7. Immediately prior to beginning my employment with the City of West Union, I did a “ride-along” Chief Becthold to get a tour of town. During this ride-along, Chief Becthold made it clear he did not care for West Union Police Officer Sierra Fox. He said something along the lines of Officer Fox “can be a cunt.” I asked if Officer Fox was still dating a former West Union Officer, and the Chief responded with a comment like, “No, she is not with him anymore, already moved on. I think she is kind of a slut.” When I said she was pretty, the Chief asked if I had seen Officer Fox without her makeup on, then said something like, “Eww gross, you don’t want to see that.”

8. I understood I would be working essentially on a full-time basis to cover gaps in the schedule until the “formal process” to hire a “Regular Full-Time” officer could be completed.

Chief Bechtold also essentially promised me the position of K9 Handler as the current handler (Officer Fox) was, according to the Chief, on her way out the door.

9. Prior to and during my employment with West Union, Chief Bechtold was consistently belittling Officer Fox. After working with Officer Fox for a few shifts, I was surprised to learn she had no intention of leaving the department anytime soon, which was different than what Chief Bechtold had told me about the K9 handler position.

10. Chief Bechtold told me on several occasions that Officer Fox was a “thief” and could not be trusted. As I got to know Officer Fox on a personal level, I quickly realized she was not the person Chief Bechtold painted her out to be.

11. I regularly heard Chief Bechtold make degrading comments about women. He liked to use the word “cunt” to describe women. He repeatedly referred to his ex-wife as a “cunt.” He also referred to certain women in the community in derogatory ways. For example, he would sometimes refer to women with drug addictions as “whores” or “sluts.”

12. I spent my first three shifts in West Union with Officer Daniel Duehring. During this time, he spoke negatively about Officer Fox.

13. Shortly after I arrived on my first day, Officer Fox left the office to have a search warrant reviewed by a judge. After she left, Chief Bechtold and Officer Duehring said Officer Fox was incompetent as the warrant should have already been signed and executed. They said Officer Fox was not able to complete anything on her own and they are constantly having to do her job and fix her “mistakes.”

14. Within my first few days, Chief Bechtold told me not to “respond 10-33” or “get in a hurry” if Officer Fox calls “10-78” on the radio. A request for “10-78” is a request for “Officer Needs Assistance” and is generally used by an officer when they are in need of immediate or near-immediate assistance to handle a situation they are attempting to resolve.

Typically, when fellow officers hear “10-78” on the radio, every officer available will respond “10-33” or “Emergent” in order to preserve the life of the officer making the request. A request for backup using the code “10-78” is only used in “10-33” or emergency situations. Officers who request “10-78” are generally in fear for their life and an emergent response by other officers is warranted without question. Chief Becthold said Officer Fox is dramatic and will say “10-78” when she doesn’t need it and it is not worth the liability. It was dangerous for Chief Becthold to tell me to disregard the seriousness of Officer Fox’s “10-78” requests.

15. Chief Becthold told me on many occasions that Officer Fox: sucks at her job, that she does not train with her dog, that the dog is just a pet, and that she doesn’t know how to handle her dog.

16. I am aware Officer Fox asked for a women’s uniform on several occasions. Officer Fox told me she sent emails to Chief Becthold about this uniform request which were never addressed.

17. I am also aware Officer Fox asked the Chief to assist her in obtaining narcotics from the DEA (Drug Enforcement Administration) for ongoing canine training purposes. Officer Fox told me that at one point the DEA paperwork ended back up on her desk and Chief Becthold never helped her complete the process. As a result, I know from working with Officer Fox that she was forced to use department evidence, specifically seized narcotics, to train with her canine.

18. When I started working for the department, Chief Bechtold provided me the combination for the evidence room door, saying something along the lines of: “Not everyone has that code, some people can’t be trusted, so keep that to yourself.” I asked if Chief Becthold felt like he could not trust somebody. He said yes. I jokingly asked if that meant Officer Fox did not

have the code. Becthold seriously responded, indicating it was Officer Fox who did not have the code.

19. Chief Becthold banned Officer Fox's canine partner, Xena, from going to the Sheriff's office. Chief Becthold told me that the Fayette County Sheriff and Fayette County Lead Dispatcher said Xena could not be at the dispatch center anymore. Every time I saw Xena at the dispatch center, she was calm and did not cause any problems. I later heard that the Lead Dispatcher told others that neither the Sheriff nor the Lead Dispatcher ever "banned" Xena from the Sheriff's Office.

20. I learned later that Chief Becthold then banned Officer Fox from the Sheriff's office. I was never banned from the Sheriff's Office, nor do I know any other officer who was banned by Chief Becthold from going up to the Sheriff's Office. This is dangerous in my opinion and was done solely out of spite. It is common for officers to gather at the county Sheriff's office during periods of downtime, during breaks, or to discuss law enforcement intelligence. It is counterproductive to restrict an officer from social interaction with other officers, especially officers in another agency whom you must work with on a regular basis. I have worked in three counties and found it to be common in all three.

21. On January 18, 2019, I filed a written complaint with the City of West Union. In my complaint, I referenced the sex discrimination I witnessed against Officer Fox. On January 25, 2019, I sent City Administrator Nick McIntyre an email asking for the status of my complaint. Eventually, he told me that he and Mayor Adam Keller wanted to meet with me about the complaint.

22. I met with McIntyre and Keller on January 30 at approximately 11:00 a.m. Mayor Keller was there during his lunch break, so the meeting was short. During the meeting, I recapped one specific part of my complaint. I was unable to discuss anything else, including

Chief Bechtold's sex discrimination against Officer Fox, before we ran out of time. No one at the City ever talked to me about my sex discrimination complaint after this meeting.

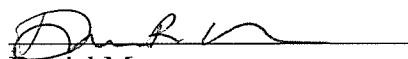
23. Within days of the January 30 meeting, I was informed that Chief Bechtold spoke with Sumner/Tripoli Police Chief Daniel Banks. Chief Bechtold spoke very negatively about me to Chief Banks. These statements were false and were meant to deter Chief Banks from hiring me or keeping me employed with the City of Sumner Police Department. I believe they were also in retaliation for making a complaint with the City of West Union.

24. I called McIntyre and told him what Chief Bechtold said about me to Chief Banks. He responded, "I think I know Paul well enough to know that isn't something he would do, he is smarter than that. I don't think Paul really said those things." He then said he would call the Mayor and they would "take care of it."

25. I got a call from McIntyre about a week later. During that call, he informed me that the City concluded there was no basis for my complaint. At the end of the call he said, "We're done with it. I don't really know what else to tell you."

26. This information is provided to provide a general understanding of Chief Bechtold's demeanor toward women, including Officer Fox, and is not meant to be a complete description of each and every sexist comment or act I saw from Chief Bechtold. I may remember more or different information if I am presented with more detailed questions.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct. Executed on April 11th, 2019.


Daniel Moore

Mayor Adam Keller
Police Committee
City of West Union
612 Hwy 150 S
West Union, IA 52175

Complaint; retaliation, hostility, duties and responsibilities, sexual harassment, and ethics.

Dear Officials for the City of West Union,

In February on 2019 I will celebrate my seven year law enforcement anniversary. Over the past seven years I have had approximately six different Chiefs of Police, and approximately eleven different male patrol Officers. Of those seven years and around seventeen male coworkers never have I made any form of complaint reference sexual harassment until this last year at the West Union Police Department. I have been held to a different standard and given different rules than my male coworkers. Since making a complaint I have been under scrutiny and work under hostile conditions. Further information can be shared in an additional in person meeting.

On or about May 12, 2018 was a coworker's birthday, whom was out of town celebrating when he made a phone call to my personal cell phone while I was working for the City of West Union. I answered the call and a coworker made several vulgar comments about me such as, stating that I was "hot" and asking if he had a chance "hooking up" with me due to me being single. I immediately expressed to him what he had said was inappropriate and not funny. He said "talk to Paul". Chief Bechthold got on the phone and began speaking with me. I expressed my unhappiness to Chief Bechthold regarding my coworker's comments and I was not okay with it. Chief Bechthold laughed and made a comment reference the coworker's intoxication level and not to worry about it. Chief Bechthold also stated he may need assistance getting that coworker inside his residence once they returned to West Union. Intoxicated or not I feel the situation was never addressed properly and due to being the only female employee for this Department, I felt vulnerable, and that reporting it would do nothing because Chief Bechthold shrugged the situation off due to intoxication. No action formal or informal was ever taken, even though Chief Bechthold witnessed the sexual comments and was made aware by me I was not okay with any of the comments and I would like a form of action taken.

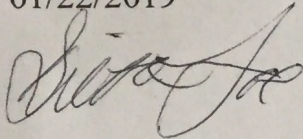
Following a monthly Department meeting I was pulled aside individually by Chief Becthold. Chief Becthold stated to me that I would need to remove any and all photos of me on my social media accounts of me in swim attire or any that contained a visible tattoo. No other Department Officers were given the same rule, all other Officers are male. In my opinion this shows gender discrimination.

In closer I hope that looking through the timeline I have provided you will be made aware of and address the workplace hostility, isolation, lack of investigation, intimidation, sexual harassment, and favoritism taking place at the West Union Police Department.

Sgt/K9 Handler Sierra Fox

West Union Police Department

01/22/2019

 16:20 pm

Background

Respondent Questions - Case Number: 02-19-73130

SIERRA FOX VS. CITY OF WEST UNION POLICE DEPARTMENT

- 1) What is the full legal name of Respondent and its parent corporation if applicable?
Nichlas William McIntyre – City Administrator- City of West Union, Iowa
- 2) Identify the individual(s) responsible for the information provided in the responses provided by Respondent. Please identify the individuals name and title/position with the Respondent. This will be the person contacted by the ICRC if the case is further investigated to validate and verify the accuracy of the information provided.
*Nick McIntyre, City Administrator Paul Becthold, Chief of Police
Jeremiah White of the law office of: Elwood, Donohoe, Braun & White*
- 3) What does Respondent do? Identify the services provided/produced.
City Administrator/City Clerk for the City of West Union, Iowa
- 4) Who owns Respondent? Provide complete legal name, address and registered agent if applicable.
NA
- 5) Is Respondent incorporated? In what state is Respondent Incorporated?
NA
- 6) What is the address of the parent company for the first-named Respondent?
City of West Union, 612 Hwy 150 South, West Union, Iowa 52175
- 7) For individual Respondent, provide complete legal name and mailing address as well as date of hire.
*Nichlas William McIntyre, 612 Hwy 150 South, West Union, Iowa 52175,
October 10. 2016*
- 8) If two or more Respondents are named in the complaint, explain how each Respondent is related to the other?
Chief Becthold and the West Union Police department reports to the City Administrator.
- 9) On 1/17/2019, how many persons were employed by Respondent at the location Complainant worked? How many employees does Respondent have in total? Count both part-time and full-time employees.
*4 employees
22 part time and full time employees*
- 10) On 1/17/2019, what was the Complainant's position at Respondent? What were the essential duties of the position? Provide detailed description and a copy of any written job descriptions applicable to Complainant.
*Sergeant, K-9 officer for the West Union Police Department
See attachment:*
- 11) On 1/17/2019 how many persons worked in the Complainant's department? Who was the supervisor of this department at that time? *4 counting the Complainant, Chief Becthold*

12) On 1/17/2019 how many of the following individuals worked for Respondent in total and how many worked in Complainant's department?- Female.

9 female employees

1 the complainant

13) On 1/17/2019, what was Complainant's chain of command? List each person by name, position, sex for each person identified and whether the person had hiring/firing authority of Complainant.

Chief of Police – Administrator – City Council

Paul Becthold – Chief of Police – Male – No

Nick McIntyre – City Administrator – Male – No

Kennon Gumm – Council Member – Male – Yes

Cam Granger – Council Member – Male – Yes

Andrew Smith – Council Member – Male – Yes

Neal Bentley – Council Member – Male – Yes

Isaiah Stansbery – Council Member – Male – Yes

14) Did Complainant make a complaint or file a grievance during his/her employment? YES If so, when, to whom and what was the nature of the complaint? *January 23, 2019 to City Administrator, Nick McIntyre. The complaint listed these Complaints: retaliation, hostility, duties and responsibilities, sexual harassment and ethics toward Chief Becthold.*

15) Did Respondent conduct an investigation based on Complainant's complaint? Yes What if any action did Respondent take based on the complaint? *I contacted the Mayor on January 23rd and made him aware of the complaint. Since we were already addressing her performance issues with the Union on the 24th of January we decided to focus on those issues first before addressing these issues. I informed Chief Becthold written complaint on January 23, 2019 but did not give details of the formal complaint. We reviewed all documentation that Chief Becthold had concerning Officer Fox's complaints.*

16) What if any action did Respondent take based on the investigation? *I reached out to Officer Fox to set up a meeting with her and the Mayor so we could speak about their complaints. See indicated that she could not talk to me because she had been directed by her Union Rep to turn over the complaint to the Iowa Civil Rights Commission.*

17) Was Complainant notified of the results of the investigation? If so, when and by whom? How was Complainant notified? *No Officer Fox refused to meet with me and the Mayor,*

18) If an investigation was conducted, identify the individual who conducted the investigation as well as the individuals interviewed and whether written or tape recorded statements were taken? *The Mayor and I interviewed Chief Becthold. Please attachments.*

Provide copies of any complaints and investigations conducted by Respondent relating

FOX RESIGNATION - EXHIBIT 4

to Complainant's grievances or internal complaints.

Demotion Discipline

Respondent Questions - Case Number: 02-19-73130

SIERRA FOX VS. CITY OF WEST UNION POLICE DEPARTMENT

- 1) Was the Complainant ever disciplined while employed by Respondent? If so, in what manner? When? Was the disciplined documented? If so, provide copies of the documentation.
Yes see attachments
- 2) Identify the person or persons who made the decision to discipline the Complainant, including name, job title and sex.
*Paul Becthold – Police Chief – Male
Nick McIntyre – City Administrator – Male
Adam Keller – Mayor – Male*
- 3) Why was Complainant disciplined? Give all reasons for each disciplinary action.
See attachments
- 4) With regard to the response question #3, identify all employees who have engaged in the same or similar conduct during the previous twelve months of this complaint. Include those employees' positions, dates of employment, and sex.
See attachments
- 5) What, if any, disciplinary action was given to employees listed in the response to question #4?
See attachments
- 6) Who made the decision to either discipline or not each employee identified in question #3?
Chief Becthold, Administrator Nick McIntyre, Mayor Keller
- 7) If the employee was not disciplined, why not?
NA
- 8) Did the disciplinary action taken against Complainant involve any change in payroll status of the Complainant [i.e. was there a demotion or suspension]? *Suspension with no pay*
 - a. If the disciplinary action taken resulted in any change of duties and responsibilities, how were Complainant's duties changed? *No change*
 - b. With regard to employees identified in question #5, describe the changes in the duties and responsibilities because of the disciplinary action to these employees. *No change*
 - c. If the disciplinary action taken resulted in any change in pay rate to Complainant, set forth the Complainant's pay rate before and after the disciplinary action was imposed.
No change
 - d. With regard to any employee referred to the response to question #5, set forth the pay rate for those employees both before and after the disciplinary action. *No change*
- 9) Did Respondent have a progressive disciplinary policy in effect on 1/17/2019? *Yes*

10) Has Complainant received warnings or disciplinary action previously? *X* Yes No. If yes, describe including dates and reasons for disciplinary action. *See attachments*

11) Describe the events leading up to the disciplinary action on this most recent occasion.
Complainant was tardy to duties 3 recorded times
Complainant was unable or chose not meet and discuss with Chief Becthold
During that time the Complainant was tardy for duty again.
This resulted in progressive write ups.

Failure To Train

Respondent Questions - Case Number: 02-19-73130

SIERRA FOX VS. CITY OF WEST UNION POLICE DEPARTMENT

- 1) Describe the training policies and practices at the Respondent.
See Attachments
- 2) What training has the Complainant received while employed?
See Attachments
- 3) Who made the decision that the Complainant would receive that training? Provide name, position and sex.
Paul Becthold – Chief of Police - Male
- 4) Has the Complainant requested training from the Respondent that has not been approved or authorized for the Complainant to receive?
See attachment , paragraph #2
- 5) What were the reasons that the Complainant has not been authorized to receive that training?
See attachment , paragraph #2
- 6) Who made the decision to not approve or authorize the Complainant to receive that training? Include this person's position and sex.
Paul Becthold – Chief of Police – Male
- 7) With regard to training Complainant did not receive for the previous 12 months to 1/17/2019 list those employees who received the training. Include their position and sex.
Dan Duehring – Patrol Officer – Male – CTK training
Jesse Stanbrough – Patrol Officer – Male – CTK training
Bryce Bilharz – Patrol Officer - Male – ARIDE training, Search Warrant Training
Officer Fox was already CTK certified and trained in Search Warrant process. Officer Bilharz was our Traffic Officer, only needed one Officer to attend ARIDE training.
Officer Fox focus was K-9 training. See attachments
- 8) Explain why these persons were approved to receive the training.
See attachments
- 9) Who made the decision to approve the training for each person listed in the response to question #9?
Chief Becthold
- 10) Did the Complainant make or file any internal complaint or grievance with regard to the decision concerning training? Provide copies all documents that refer to that complaint or grievance. *NO*

Harassment

Respondent Questions - Case Number: 02-19-73130

SIERRA FOX VS. CITY OF WEST UNION POLICE DEPARTMENT

- 1) In the complaint, Complainant named one or more persons as "harassers." Identify each of the those persons by name, date of hire, job title, and whether he or she took or had the authority to take the following employment actions:
Bryce Bilharz – 09/20/2016 – Patrol Officer
 - a. Hire Complainant or recommend that Complainant be hired. *NO*
 - b. Terminate Complainant's employment or recommend Complainant's termination; *NO*
 - c. Promote Complainant or recommend that Complainant be promoted; *NO*
 - d. Demote Complainant or recommend that Complainant be demoted; *NO*
 - e. Transfer Complainant to another position or recommend Complainant's transfer; *NO*
 - f. Reassign Complainant to perform significantly different job responsibilities or recommend that Complainant be reassigned to perform significantly different job responsibilities *NO*

- 2) For each person identified in (1) above, provide employment records containing his/her job description or a list of his/her job duties and responsibilities. In addition, provide an affidavit by the person's supervisor that details the person's responsibilities for taking or recommending any of the above-listed employment actions
See attachments

- 3) Did the Complainant make any internal complaint concerning harassment? *NO* If so, please provide the date on which such complaint or grievance was made including who the complaint was made to and the content of such complaint. If made in writing, provide a copy including any other related documentation. *NA*

- 4) How did Respondent respond to the complaint or grievance concerning harassment?
There was no complaint submitted at the time of the allege occurrence

- 5) Was an investigation conducted? If not, why not? *NA*

- 6) If so, who conducted the investigation and why was this person selected to do so? *NA*

- 7) Explain the investigative process undertaken, including the identity of any witnesses interviewed. Please provide a complete copy of any investigation conducted by Respondent.
See attachment, Paragraph #16

- 8) What was the result or finding of the investigation? *NA* Was the harassment complaint substantiated? If not, why not? *NA*
- 9) Was any personnel action taken either as a result of the complaint or investigation, what was it? Provide documentation of such action. *NA*
- 10) Did the response taken by Respondent end the harassment? *NA* Did Complainant make any further complaints? *NA*
- 11) Has Respondent received any other complaints about the alleged harasser from any other individual? If so, provide the name of that person, the date and substance of the complaint, and the action taken on that complaint. Provide documentation of any such complaints and the action taken on them. *NA*
- 12) Does the Respondent have an "anti-harassment" policy? *YES*
- 13) How have these policies and processes been made known to the employees? *YES*
- 14) What is the process by which an employee makes a complaint of harassment?
See attached Employee file
- 15) How are employees trained or notified of this process?
At hire date and then again when there are updates to the Employee Manual
- 16) Is this the process Complainant used? *NO*
- 17) Are supervisors trained regarding how they should respond to a complaint or evidence of harassment? *YES* Who at Respondent are supervisor's supposed to notify? *See attached policy*
- 18) Does the Respondent have an internal "investigation/resolution process"? *See policy*
Provide copies

of both the anti-harassment policy and the resolution process. *See attachments*

19) What sort of training has been provided about discrimination and harassment for the Respondent employees? Please provide any dates of training, and whether the Complainant and/or the person[s] alleged to have harassed the Complainant attended training. *Employee Manual was modified and all areas were reviewed with the Complainant on November 17, 2017*

Retaliation

Respondent Questions - Case Number: 02-19-73130

SIERRA FOX VS. CITY OF WEST UNION POLICE DEPARTMENT

- 1) Did the Complainant file a discrimination complaint involving Complainant or a third party with Respondent? *NO* If so, when? What was the complaint?
- 2) Was Complainant interviewed as part of an investigation regarding another employee's discrimination complaint? Is so, when? *NA*
- 3) Did the Complainant oppose, report, or otherwise complain about what's/he believed to be a discriminatory practice? Who else was involved in these actions or complaints, or had knowledge of them? *NA*
- 4) Who, at the Respondent, knew that Complainant had filed a complaint involving discrimination? When did they find out? How did each of those persons find out? *NA*
- 5) After Complainant filed a complaint of discrimination or participated in an interview, was Complainant disciplined? If so when and for what reason? *NA*
- 6) Who made the decision to discipline Complainant? Did he/she have knowledge of Complainant's protected activity? *NA*
- 7) With regard to the Respondent's stated reasons for the action taken against the Complainant, have other employees been cited for the same or similar conduct? Provide their name, position and discipline and basis levied against that employee. *NA*
- 8) Have any of the employees listed in the response to question #7 participated in a civil rights proceeding or complained of discriminatory practices? Who? *NA*
- 9) Has the Respondent previously had employees who either participated in civil rights proceedings or opposed what they believed to be discriminatory practices? If so, who? Provide their names, positions, and dates of their participation/opposition. Did any of those persons complain of retaliation? If so, who and when? *NA*

Respondent
SIERRA FOX VS. CITY

02-19-73130
POLICE DEPARTMENT

Failure To Promote

Questions - Case Number:
OF WEST UNION

If Complainant has alleged more than one failure to promote, please submit information (following the questionnaire outline below) for each position.

- 1) Did Complainant formally apply for a promotion? Did Complainant apply informally by discussing with supervisor, human resources, etc? See attachment page 7 last paragraph and continues onto page 8
- 2) If so, indicate what Respondent knew about Complainant's request for promotion. NA
- 3) What position was the Complainant seeking? List the duties of the position. NA
- 4) Was the Complainant eligible to compete for promotion? If not, why not? NA
- 5) What were the requirements and qualifications for the position? NA
- 6) What was Respondent's "application/selection" process for promotions? List each step. NA
- 7) Who was involved in making the promotion decision? What is the decision-maker's name, position, and sex? Bryce Bilharz male, Sierra Fox female
- 8) When was the promotion decision made? January 22, 2018
- 9) How and when did the Complainant find out he/she was not the person promoted?

See attachment page 7 last paragraph and continues onto page 8
- 10) Who did receive the promotion? Give name and sex, and prior position with the Respondent, if any. Bryce Bilharz, male, policer officer Sierra Fox, female, police officer/K-9
- 11) Explain why the preferred applicant was selected over the Complainant. List all reasons.

See attachment page 7 last paragraph and continues onto page 8

Respondent
SIERRA FOX VS. CITY

02-19-73130
POLICE DEPARTMENT

12) In the period one year before 1/17/2019 to date, list all persons hired and/or promoted into the position to which the Complainant was seeking promotion by (1) name, (2) date of hire/promotion, and (3) sex. Bryce Bilharz, male January 22nd, 2018- Sierra Fox, female January 22nd, 2018

13) On 1/17/2019, how many of each of the following persons were employed in the position to which the Complainant was seeking promotion - Female? one

Provide copies of all applications submitted for this promotion as well as any documents related to Complainant's application, Include any documents related to promotion process.

IOWA CIVIL RIGHTS COMMISSION COMPLAINT FORM

515-281-4121 / 800-457-4416 / Fax: 515-242-5840 / <https://icrc.iowa.gov>

(AGENCY USE ONLY)

ICRC CP# _____ Iowa Civil Rights Commission
Local Commission# _____ 400 East 14th Street
EEOC# _____ Des Moines, Iowa 50319-0201

(PLEASE TYPE OR PRINT LEGIBLY)

-----SECTION 1 • COMPLAINANT INFORMATION-----

Your legal name: _____ Sierra Nicole Fox _____

Your mailing address: _____ [REDACTED] _____

City: _____ Hawkeye _____ State: _____ Iowa _____ Zip Code: _____ 52147 _____

Telephone #: _____ [REDACTED] _____

Email address: _____ [REDACTED] _____

Your date of birth: _____ [REDACTED] 1990 _____ Your sex/gender: _____ Female _____

Have you previously filed this complaint with any other federal, state, or local anti-discrimination agency? Yes No

If yes, what agency? _____ When? _____

-----SECTION 2 • DISCRIMINATION INFORMATION-----

1. Please indicate the **AREA(S)** in which the discrimination occurred.

Employment Public Accommodation Housing
 Education Credit Retaliation

2. Please indicate the **ACTION(S)** that the organization took against you.

Demotion Failure to Train
 Denied Accommodation or Modification Forced to Quit/Retire
 Denied Benefits Harassment
 Denied Financial Services/Credit Layoff
 Denied Service Reduced Hours
 Discipline Reduced Pay
 Eviction Sexual Harassment
 Failure to Hire Suspension
 Failure to Promote Termination
 Failure to Rent Undesirable Assignment/Transfer
 Failure to Recall Unequal Pay

Other: _____ Gender discrimination _____

3. Please indicate the **BASIS(ES)** or reasons for the discrimination.

a. Do you believe you were discriminated against because of your race? _____ No _____

If yes, what is your race? _____

- b. Do you believe you were discriminated against because of your skin color? No
 If yes, what is your skin color? _____
- c. Do you believe you were discriminated against because of your national origin? No
 If yes, what is your national origin? _____
- d. Do you believe you were discriminated against because of your sex? Yes
 If yes, what is your sex? Female
- e. Do you believe you were discriminated against because of your sexual orientation? No
 If yes, what is your sexual orientation? _____
- f. Do you believe you were discriminated against because of your gender identity? No
 If yes, what gender do you identify as? _____
- g. Do you believe you were discriminated against because of a real or perceived disability? No
 If yes, what is your real or perceived disability? _____
- h. Do you believe you were discriminated against because of your religion or creed? No
 If yes, what is your religion or creed? _____
- i. Do you believe you were discriminated against because of your pregnancy or pregnancy -
 related condition? No
- j. If your complaint involves employment or credit, do you believe you were discriminated
 against because of your age? No
 If yes, do you believe you were discriminated because you are older or because you are
 younger? _____
- k. If your complaint involves housing or credit, do you believe you were discriminated against
 based on your familial status? _____
 If yes, how many children live with you? _____
- l. If your complaint involves credit, do you believe you were discriminated against based on your
 marital status? _____
 If yes, what is your marital status? _____
- m. Do you believe you were retaliated against because you reported discrimination to someone
 within the organization, filed a complaint with the ICRC, or participated as a witness in an
 anti-discrimination agency proceeding?
 Yes
 If yes, what did you report or complain about, and to whom?
 Report to Chief Bechtold about sexual harassment by a coworker.

 State what happened to you as a result of your report or complaint.
 No action was taken.

4. What was the date (month/day/year) of the MOST RECENT discriminatory incident?
(REQUIRED):

01/17/2019

5. If Employment is the Area, what is your hire date or application date?

07/01/2015

6. Are you still employed by the organization that discriminated against you? Yes No

If no, when did your employment end? _____ (month, day, year)

If no, how did your employment end?

Terminated

Voluntary Quit

Forced to Quit/Retire

-----SECTION 3 • RESPONDENT INFORMATION-----

7. What is the full legal name of the organization that discriminated against you?

[This organization will be charged with discrimination and given a copy of your complaint.]

City of West Union Police Department

Address: 612 Hwy 150 S

City: West Union County: Fayette State: Iowa

Zip Code: 52175 Telephone #: (563) 422 - 3908

8. If the organization listed in #7 has a parent organization or corporate office, list it here.

[This organization will also be charged with discrimination and given a copy of your complaint.]

Address: _____

City: _____ State: _____

Zip Code: _____ Telephone #: (_____) _____ - _____

9. Provide the address of the location where the discrimination occurred:

612 Hwy 150 S West Union, IA 52175

10. If you are claiming harassment, identify the individual(s) who harassed you. These individuals will be charged with discrimination and will be given a copy of your complaint.

Note: Individuals cannot be named as respondents in complaints in the Area of Education

Name: Paul Bechhold Job Title: Chief of Police

Work or Home Address: 612 Hwy 150 S west Union, IA 52175

Name: _____ Job Title: _____

Work or Home Address: _____

If more than two individuals, please list by name, job title, and address on an attached piece of paper.

11. If Employment is the Area, indicate approximate number of ALL employees (full-time and part-time) at ALL employer locations nationwide (REQUIRED):

4-14 15-19 20-100 101-200 201-500 500+

-----SECTION 4 • BRIEF SUMMARY OF ALLEGATIONS-----

Please describe what happened to you. State how you were discriminated against. What happened? When did it happen? Be sure to address each Action you checked on page one and each Basis you addressed on page two. *[Please read the instruction sheet before writing your brief summary.]*

On or about January 17, 2019 I was the only employee banned from spending any time at the Fayette County Sheriff's office by email from Chief of Police Bechtold. No other employees who are all male were banned. This was a result/retaliation for me calling in late to work.

On or about January 14, 2019 I sent an email to Chief of Police Bechtold requesting to attend a one day no cost K9 training. That email was ignored and I never received an answer from Chief Bechtold.

On or about November 15, 2018 while working, I made contact with Chief Bechtold reference to a case I was working and advised him I would be applying for a search warrant. I made several attempts after starting the warrant application to reach Chief Bechtold by phone for assistance, but was unable to reach him. None of my phone calls were answered or returned from approximately 11:00pm through my last attempt at approximately 0600am. On or about November 19, 2018 when I returned to work Chief Bechtold and another Officer were working a case with the same person whom I had attempted to complete a search warrant for on November 15. I was directed by Chief Bechtold to reapply for a new warrant. Once I left the city to complete the warrant process, Chief Bechtold made statements to two fellow Officer's reference me being "lazy" and "incompetent." Chief Bechtold has failed to assist me multiple times by failing to answer, or return phone calls or emails.

In June of 2018 following a Department Meeting Chief of Police Paul Bechtold pulled me aside individually and stated I was to remove any and all photos from my social medias that showed me in swimwear, or a tattoo. We do not have a social media policy containing a swimwear policy, and other employees have tattoos that show in summer uniform whereas mine do not. No male Officers were advised to remove swimwear or tattoo photos from their social media accounts.

On May 22, 2018, I sent Chief Bechtold an email with information regarding work uniforms that came in my size and women's fit in a request to get proper fitting uniforms. I even offered to pay for my own uniforms. Chief Bechtold ignored that email and I was never given a response. I asked multiple times for a different uniform that came in a fitting size and women's cut by both email and verbal requests with either no response or a no that we all had to wear the same uniform brand and style. The uniform style currently is too large even after having alterations. This includes a department issued winter coat that is vastly too large and poses safety concerns preventing me from efficiently and quickly getting to my equipment on my duty belt. Due to this I have been wearing nearly 7 year old uniform pants from a previous department.

On or about May 26, 2018 I sent out a department email notifying all coworkers that I had placed forms in their mailboxes that we use as traffic stop tally sheets for a traffic enforcement program. I received a reply from Chief Becthold to refrain from sending emails requesting the department to work overtime, though my email never mentioned overtime. Chief Becthold sent another response stating we do not use these tally forms due to past experiences of Officer's falsifying them. On August 28, 2018 Chief Becthold sent out a mass department email stating he had placed these same tally sheets on all Officer's desks and to use them.

On or about May 12, 2018 I was working and received a phone call from a former coworker who was out celebrating their birthday. Over the phone that coworker made several vulgar sexual comments to me such as stating I was "hot" and asking if he had a chance "hooking up" with me. I immediately expressed to that coworker what he had said was inappropriate and not funny. The coworker handed the phone over to Chief Becthold who was out celebrating with him. I expressed my unhappiness and the inappropriateness of those comments to Chief Becthold, and that it was not okay. Chief Becthold was standing next to that coworker when those comments were made. Chief Becthold laughed and made a comment in reference to my coworker's intoxication level and not to worry about it. Chief Becthold also stated he may need my help getting that coworker inside his residence once they returned to town from celebrating. No action was ever taken formal or informal to my complaint even though Chief Becthold was a witness to the comments and was made aware by me that I would like it addressed with formal action.

From January 2018 – May 2018 Chief Becthold made many comments to me and a coworker in reference to a relationship I had been in with a former employee. Those comments were graphic and included statements such as "fucking where you eat." Chief Becthold also made comments to a coworker who was attending the Police Academy during this time frame about having sexual encounters with "strippers" and girls while at training. That coworker came to me to address the inappropriateness of those comments. Full statements can be provided. Chief Becthold has made several comments to in county and surrounding county Deputies offering them my job and stating he cannot fire me, so he will write me up until I have enough write-ups to be terminated. Chief Becthold has used graphic words such as "cunt" and "slut" when referring to me to other employees.

On or about April 15, 2018 I submitted a letter written by Chief Becthold to the local Union Teamsters. Chief Becthold had written the letter himself and presented it to me on several different occasions badgering me and telling me to read, sign, and turn it in for my withdrawal from my Union membership. I did not want to withdraw my membership and made that clear to Chief Becthold but, after several days of constant badgering, harassment, and statements such as, "I was holding everyone back and the only one voting no to switching our pay from hourly to salary," I believed Chief Becthold and I submitted the letter to my Union Representative. Once I found out I had been lied to about being the only one not wanting to switch to salary I spoke with the Union and revoked my membership withdrawal on the basis of being lied and also bullied into submitting it in the first place.

It has been obvious to me and other employees that comments, actions taken, ignored concerns, and rules given by Chief Becthold only apply or do not apply to me, the only female working for this department. I am denied proper uniforms, given different rules, talked to or about with vulgar sexual comments, and ignored when I have questions or concerns.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa and the laws of the United States of America that the preceding charge is true and correct.

X _____
Signature of Complainant (REQUIRED) **Date**

It is not necessary that you provide any additional documentation at this time. Be aware that any additional documentation provided with your complaint form will be sent out to all named parties along with this form. An opportunity to provide additional documentation will be given at a later time if/when the complaint is accepted by the ICRC.

REPRESENTATION AND RECORD RETENTION NOTICE
sent via email and U.S. Mail

February 22, 2019

Adam Keller, Mayor
P.O. Box 151
612 Highway 150 South
West Union, Iowa 52175
rellekja@yahoo.com

Nick McIntyre, City Administrator
P.O. Box 151
612 Highway 150 South
West Union, Iowa 52175
wuadmin@westunion.com

Jeremiah W. White, City Attorney
Elwood, O'Donohoe, Braun & White, LLP
125 North Vine Street
P.O. Box 475
West Union, Iowa 62175
jeremiahwhite@elwoodlawfirm.com

Re: West Union Police Sergeant Sierra Fox

Gentlemen:

Nate Borland and I represent West Union Police Sergeant Sierra Fox for her claims against the City, the Police Department, and Chief of Police Paul Bechthold. I'm reaching out to you for a couple of reasons. One, we understand that in addition to filing a complaint with the Iowa Civil Rights Commission, Sergeant Fox hand-delivered a complaint to Mr. McIntyre on or about January 22, 2019. The complaint was also addressed to Mayor Keller. We also understand that Mr. McIntyre contacted Sierra requesting a meeting about her complaint. Sergeant Fox is happy to attend such a meeting, but it should be scheduled through us as we will also attend.

Two, this letter formally informs you of the potential for future litigation and reminds you (and the City) of your duty to preserve all relevant electronically stored information (ESI) and documents related to Chief Bechthold, Sierra Fox, her employment with the City of West Union, the City's

disciplinary action against her, her interactions with employees and agents of West Union, and the interactions of West Union employees and agents regarding Sierra.

Specifically, the City should do the following:

1. Take immediate action to preserve:
 - a. All emails between and among agents, employees, officers, and elected or appointed officials of the City of West Union, who had any contact with Sierra Fox in the scope of their employment, including emails, text messages, memos, and documents directed to, copied to, blind copied to, or forwarded to any person about Sierra Fox.
 - b. All ESI, including but not limited to emails, databases, and recordings, related to policies surrounding sex discrimination, sexual harassment, retaliation, anti-retaliation policies, or complaint investigation policies.
 - c. All documents related, memorializing, or referring to any contact any official, employee or agent of West Union had with or about Sierra Fox, her work performance, her employment, or the disciplinary actions taken against her.
 - d. All documents related, memorializing, or referring to any investigation into or regarding Sierra Fox or any complaint made by Sierra Fox.
 - e. All audio or video recordings of Sierra Fox, including body camera footage, in-vehicle camera footage, and the like.
 - f. All dispatch logs and mobile communications (including mobile data terminal/mobile data computer/computer-aided dispatch messages) regarding Sierra Fox.
 - g. **All** text messages on any City-owned cell phone or privately-owned cell phones used for City purposes.
 - h. **All** email messages sent or received on any City-owned device, whether through a City email or a private email.
 - i. **All** text messages on any cell phone used by Chief Becthold during his employment with the City. **This includes personally-owned cell phones.**
 - j. **All** email messages sent or received by Chief Becthold from any email account during his employment with the City. **This includes personal email accounts.**

- k. **All** social media accounts maintained by Chief Becthold during his employment with the City.

This is not an exhaustive list. You are responsible for identifying potentially relevant documents and ESI sources and content. You should take steps to immediately preserve such documents and ESI, **including an immediate forensic backup of all City-owned cell phones assigned to Police Department employees or personal cell phones used by Police Department employees for official use.**

2. Identify a person or persons who is authorized to take responsibility for this task. This could be a member of the legal department, HR, IT, Risk Management, or some other department, as long as the individual is instructed and authorized to take steps to prevent knowledge of searches and other preservation activities from coming to the attention of current employees, including Chief Paul Becthold, who, if advised of these activities, might delete such documents or ESI or destroy a history of his messages or searches. If you allow knowledge of this request to reach the employees before the information is preserved, they may destroy relevant evidence, resulting in a spoliation claim.
3. Confirm these steps will be taken and please assure the person taking steps to preserve documents and prevent destruction of the same keeps a clear, contemporaneous record of their actions.

Warm regards,

TIMMER & JUDKINS, P.L.L.C.



Katie Ervin Carlson

BEFORE THE IOWA CIVIL RIGHTS COMMISSION

<p>SIERRA FOX,</p> <p>Complainant,</p> <p>vs.</p> <p>CITY OF WEST UNION, WEST UNION POLICE DEPARTMENT, and PAUL BECTHOLD,</p> <p>Respondents.</p>	<p>CP#: 02-19-73130</p> <p>AMENDMENT TO CIVIL RIGHTS COMPLAINT</p>
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COMES NOW the Complainant and amends her Civil Rights Complaint as follows:

- Complaint Section 2, Item 1: Complainant adds Retaliation.
- Complaint Section 2, Item 2: Complainant adds Suspension and Failure to Promote.
- Complaint Section 2, Item 4: Complainant amends to state January 27, 2019.
- Complaint Section 4 (Narrative): Complainant supplements with the following information:

In late May or early June 2018, Chief Becthold asked me if I was interested in being promoted to Sergeant. Chief Becthold told me I would have to move to day shift and start doing administrative work. As the Department's K9 handler, this did not make any sense. I told Chief Becthold I was not interested in moving to day shift or giving up the K9 duties.

Chief Becthold then promoted a younger, less experienced police officer, Bryce Bilharz, to Lieutenant. At that time, Bilharz was a rookie officer and had been on the West Union force for about a year. Chief Becthold never told me about the Lieutenant position, offered the job to me, asked me if I would be interested in the job, or otherwise considered me for the promotion. Bilharz is the same officer who sexually harassed me while he was celebrating his 21st birthday at a bar with Chief Becthold. Less than two months after I complained about Bilharz' harassment, Chief Becthold promoted Bilharz over me.

After Chief Becthold told me he was promoting Bilharz to Lieutenant, he told me to take the Sergeant position and stay on the night shift. The promotion still left me under Bilharz in the chain of command. Chief Becthold told another officer that he promoted me to Sergeant so I would not "whine" about Bilharz' promotion. When I confronted Chief Becthold about this comment, he said, "Well, yeah," and smirked and giggled like it was all a joke.

In August 2018, Chief Becthold wrote me up for being present at a wedding reception when someone at my table took home a centerpiece. I did not know about the person taking the

centerpiece and had nothing to do with the person taking home the centerpiece. Chief Becthold lied and said there was video footage showing me at the table, but when the union pressed this issue, Chief Becthold had to admit there was no such evidence.

In December 2018, Chief Becthold told a new officer he should kick down a citizen's door during a welfare check. I knew there was no legal basis for this order and that doing so would violate the citizen's Constitutional rights, so I told the officer to hold off and sought advice from the County Attorney's office. The County Attorney's office agreed with me and we did not kick down the citizen's door.

On January 17, 2019, I was late for work. I contacted the on-duty officer prior to my scheduled shift start time to let him know I would be late. I reported to work less than an hour after my scheduled start time. Chief Becthold wrote me up for being late to work (for the first time) and issued a three-day suspension, based in part on earlier write-ups that were false or exaggerated. I served the three-day unpaid suspension from January 25 to 27, 2019.

/s/ Nathan Borland

TIMMER & JUDKINS, P.L.L.C.

Katie Ervin Carlson AT0008958

katie@timmerjudkins.com

Nathan Borland AT0011802

nate@timmerjudkins.com

2829 Westown Parkway, Suite 335

West Des Moines, IA 50266

Telephone: (515) 259-7462

Fax: (515) 361-5390

ATTORNEYS FOR COMPLAINANT

ELWOOD, O'DONOHUE, BRAUN & WHITE, LLP

Attorneys At Law

Henry L. Elwood, P.C.
Christopher F. O'Donohue, P.C.*
Judith M. O'Donohue
Joseph P. Braun
Jeremiah W. White **
Becky E. Wilson
Robert W. Winterton

Lee Elwood (1907-1951)
Dale Elwood (1922-1971)
James E. O'Donohue (1948-1998)
Frank D. Elwood (1939-2001)
Lewis M. Churbuck (1997-2003)
James D. O'Connor (1959 - 2013)

* Attorney and Mediator

** Also Admitted in Minnesota

Website: www.elwoodlawfirm.com

Email: elwoodlaw@elwoodlawfirm.com

March 4, 2019

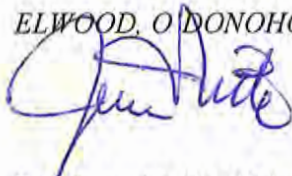
RE: West Union Police Sergeant Sierra Fox

Dear Ms. Katie Ervin Carlson:

I am in receipt of your letter dated February 22, 2019. We will respond to the complaints filed by Officer Fox in due time to the Iowa Civil Rights Commission and provide a copy of that response to your office. We also will preserve any and all documents, emails, text messages, recordings related to Sierra Fox. As City Attorney for the City of West Union, I will take responsibility for the task of preserving these items and keep a record of such actions.

Respectfully submitted,

ELWOOD, O'DONOHUE, BRAUN & WHITE, LLP



By: Jeremiah W. White
JWW/alc

• 125 North Vine Street
P.O. Box 475
West Union, Iowa 52175
(563) 422-5631
Fax (563) 422-5632

April 3, 2019

Emailed to: icrc@iowa.gov

Iowa Civil Rights Commission
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319-0201

*Re: Sierra Fox v. City of West Union Police Department
CP # 02-19-73130*

To Whom It May Concern:

The Respondents in this matter sent us a courtesy copy of their Questionnaire answers. In Background Question No. 17, Respondents were asked:

Was Complainant notified of the results of the investigation? If so, when and by whom? How was the Complainant notified?

Respondents answered:

No Officer Fox refused to meet with me and the Mayor.

This is patently false.

As the enclosed correspondence demonstrates, this office sent a letter on Officer Fox's behalf to Mayor Adam Keller, City Administrator Nick McIntyre, and City Attorney Jeremiah White on February 22, 2019 in which we stated:

We also understand that Mr. McIntyre contacted Sierra requesting a meeting about her complaint. Sergeant Fox is happy to attend such a meeting, but it should be scheduled through us as we will also attend.

The enclosed letter should serve as a supplement to Officer Fox's submission to the Commission, refuting any claim by Respondents that Officer Fox has refused to meet with them about her

complaint. Further, Respondents' misrepresentation to the Commission on this issue should be a factor in credibility determinations made by the Commission in its Screening Analysis.

Warm regards,

TIMMER & JUDKINS, P.L.L.C.

A handwritten signature in black ink, appearing to read 'Katie Ervin Carlson', written in a cursive style.

Katie Ervin Carlson

Enclosure

Cc: Jeremiah W. White
Elwood, O'Donohoe, Braun & White, LLP
125 North Vine Street, P.O. Box 475
West Union, Iowa 52175

REPRESENTATION AND RECORD RETENTION NOTICE
sent via email and U.S. Mail

February 22, 2019

Adam Keller, Mayor
P.O. Box 151
612 Highway 150 South
West Union, Iowa 52175
rellekja@yahoo.com

Nick McIntyre, City Administrator
P.O. Box 151
612 Highway 150 South
West Union, Iowa 52175
wuadmin@westunion.com

Jeremiah W. White, City Attorney
Elwood, O'Donohoe, Braun & White, LLP
125 North Vine Street
P.O. Box 475
West Union, Iowa 62175
jeremiahwhite@elwoodlawfirm.com

Re: West Union Police Sergeant Sierra Fox

Gentlemen:

Nate Borland and I represent West Union Police Sergeant Sierra Fox for her claims against the City, the Police Department, and Chief of Police Paul Bechthold. I'm reaching out to you for a couple of reasons. One, we understand that in addition to filing a complaint with the Iowa Civil Rights Commission, Sergeant Fox hand-delivered a complaint to Mr. McIntyre on or about January 22, 2019. The complaint was also addressed to Mayor Keller. We also understand that Mr. McIntyre contacted Sierra requesting a meeting about her complaint. Sergeant Fox is happy to attend such a meeting, but it should be scheduled through us as we will also attend.

Two, this letter formally informs you of the potential for future litigation and reminds you (and the City) of your duty to preserve all relevant electronically stored information (ESI) and documents related to Chief Bechthold, Sierra Fox, her employment with the City of West Union, the City's

disciplinary action against her, her interactions with employees and agents of West Union, and the interactions of West Union employees and agents regarding Sierra.

Specifically, the City should do the following:

1. Take immediate action to preserve:
 - a. All emails between and among agents, employees, officers, and elected or appointed officials of the City of West Union, who had any contact with Sierra Fox in the scope of their employment, including emails, text messages, memos, and documents directed to, copied to, blind copied to, or forwarded to any person about Sierra Fox.
 - b. All ESI, including but not limited to emails, databases, and recordings, related to policies surrounding sex discrimination, sexual harassment, retaliation, anti-retaliation policies, or complaint investigation policies.
 - c. All documents related, memorializing, or referring to any contact any official, employee or agent of West Union had with or about Sierra Fox, her work performance, her employment, or the disciplinary actions taken against her.
 - d. All documents related, memorializing, or referring to any investigation into or regarding Sierra Fox or any complaint made by Sierra Fox.
 - e. All audio or video recordings of Sierra Fox, including body camera footage, in-vehicle camera footage, and the like.
 - f. All dispatch logs and mobile communications (including mobile data terminal/mobile data computer/computer-aided dispatch messages) regarding Sierra Fox.
 - g. **All** text messages on any City-owned cell phone or privately-owned cell phones used for City purposes.
 - h. **All** email messages sent or received on any City-owned device, whether through a City email or a private email.
 - i. **All** text messages on any cell phone used by Chief Becthold during his employment with the City. **This includes personally-owned cell phones.**
 - j. **All** email messages sent or received by Chief Becthold from any email account during his employment with the City. **This includes personal email accounts.**

- k. **All** social media accounts maintained by Chief Becthold during his employment with the City.

This is not an exhaustive list. You are responsible for identifying potentially relevant documents and ESI sources and content. You should take steps to immediately preserve such documents and ESI, **including an immediate forensic backup of all City-owned cell phones assigned to Police Department employees or personal cell phones used by Police Department employees for official use.**

2. Identify a person or persons who is authorized to take responsibility for this task. This could be a member of the legal department, HR, IT, Risk Management, or some other department, as long as the individual is instructed and authorized to take steps to prevent knowledge of searches and other preservation activities from coming to the attention of current employees, including Chief Paul Becthold, who, if advised of these activities, might delete such documents or ESI or destroy a history of his messages or searches. If you allow knowledge of this request to reach the employees before the information is preserved, they may destroy relevant evidence, resulting in a spoliation claim.
3. Confirm these steps will be taken and please assure the person taking steps to preserve documents and prevent destruction of the same keeps a clear, contemporaneous record of their actions.

Warm regards,

TIMMER & JUDKINS, P.L.L.C.



Katie Ervin Carlson



WEST UNION POLICE

Paul Bechhold, Chief of Police

04-10-2019


G320.08(2)
G330.03

Misconduct An employee who refuses to obey a direct order as it is expressly given from the Chief of Police or superior may be found to be insubordinate

Department Equipment Employees shall be responsible for the proper care and use of all department equipment they are required to use in the performance of their duties

(Referral to the City Council for dismissal)

On September 9th, 2019 a Department meeting was held at 1700 hrs. in which Sierra was present. It was discussed that each officer would be responsible for calibrating the PBT of the squad they drive. On March 26th I sent out a mass email asking for options on equipment needed to be purchased through a grant application. On March 27th 2019 Sierra gave her opinion that she wanted a new PBT due to several of the PBT's not calibrating. A review of the PBT log indicated all the PBT's were calibrated except for Sierra had not tested her PBT from the K-9 squad all of the 2019 year.

 4-10-2019
City Administrator Nick McIntyre Date

Sergeant Sierra Fox Date



WEST UNION POLICE

Paul Becthold, Chief of Police


04-10-2019

G420.04

Insubordination is an act or series of acts which establish a pattern of an employees unwillingness to submit to a lawful order

(Referral to the City Council for dismissal)

On May 21st, 2018 All officers were asked at a Police Meeting to not leave their squads running or to be out at the Sherriff's Office for extended periods of time. On January 3rd, 2019 Sierra Fox was at the Fayette County Sheriff's Office for approximately one hour and forty minutes. Fox was not working an active case and can be seen playing on her phone throughout the duration of time she spent there. This behavior was brought to my attention by Sheriff Fisher and Chief Deputy Davis. I sent an email on January 17th, 2019 and asked her to stop this behavior immediately and only go if she was to request a Criminal History. Sierra has completely disregarded my request and continues to spend unproductive time at the Sheriff's Office. For example, March 27, 2019 she spent approximately 40 minutes there only to socialize with dispatch. She had no open investigations or received any paperwork while there. April 7th, 2019 Sierra again stopped at the Sheriff's Office and spent approximately an hour. She was there during a taser training for a new West Union Officer, Mike Pettersen. Her time there again was unproductive, and she had nothing to do with the training.



City Administrator Nick McIntyre 4-10-2019 Date

Sergeant Sierra Fox Date



WEST UNION POLICE

Paul Bechtold, Chief of Police


04-10-2019

K-9 Policy Drug Detector Police Service Dog Deployment III(B) iii(2)

Handler of Police K-9 are required to log a minimum of 8 hours of training with the K-9 per month.

(Removal of Sierra Fox as K-9 handler)

The K-9 is not being properly trained by Sierra (standard is 16 hrs. per month) and per policy that Sierra created the K-9 should be trained 8 hrs. per month. There are only two entries for the 2017 year with a total of 54 minutes of training. There are 0 hours logged to where Xena was deployed. Sierra's K-9 logs indicate she has only trained Xena for a period of 2 hours and 4 minutes in the calendar year of 2018. Xena's recertification in November of 2018 was a total of 10 hours and 30 minutes. In all Xena has only been trained for a total of 12 hours and 34 minutes for the 2018 calendar year. Xena was only deployed to work for a total of 1 hour and 45 minutes during 2018. January, February and March have a total of 2 hours training with the K-9. And was deployed for 4 minutes.

 4-10-2019
City Administer Nick McIntyre Date

Sergeant Sierra Fox Date



WEST UNION POLICE

Paul Beethold, Chief of Police

04-10-2019

G300.03(3)

Shift Schedule All employees must report for duty at the time and date as indicated on the schedule. An employee shall not make changes to the department schedule without approval from the Chief

(Referral to the City Council for dismissal)

On April 4th, 2019 at approximately 1319 hrs. I was met in the West Union Police Dept by K- Officer Christopher Cass. Cass stated he was there to meet with Sierra Fox and conduct a K-9 sniff of the North Fayette Valley High School. I told Cass I did not know about the event and he was able to provide a screen shot of a partial conversation between Cass and Sierra. The screen shot was Cass telling Sierra he was not available on the 9th but 4th at 100 p.m. would work. Sierra arrived at work and came to the doorway of my office and told me "The K-9 event was not today but would be held on the 9th." I discussed with Sierra that she was not allowed to change her schedule of hours to be worked or plan an event that would require her to log hours on the clock that I knew nothing about. This is the same thing she did on March 4th, 2019 at a 1700 hrs. police meeting and told me she was going to the school on the 7th for a demonstration. To which she stated, "I didn't write down time for that." I explained how I would need to arrange the scheduling and her not writing down hours for her time would create an issue for work comp and liability insurance. Sierra stated she understood and left the doorway of my office. At approximately 1448 hrs. I called Sierra and informed her I was on my way back to the office to finish Mike Pettersen's log in information and want her to get March K-9 training logs ready. I informed again that I needed them monthly. Sierra came into the office and typed some entries on her K-9 log, printed it and put it in my mailbox located outside my door. Sierra then left the office before I could go over the K-9 log with her. On the K-9 log it indicated she trained the K-9 for 30 minutes on March 7th at the school. Sierra also indicated on April 10th at 1830 hrs. doing Handler protection/fleeing suspects on her log. Again, I was not privileged this information about the training until I read it on her log and she requested to go to the training on 04-09-19 at 14:30. Sierra had opportunities to speak with me about the April 10th training and failed. She is not scheduled to work on April 10th and this training would create overtime/comp time on an already tight budget/short staffing. The original email sent to the North Fayette Valley School from Sierra for the K-9 sniff is dated March 18th, 2019. Sierra's complete disregard for informing the Chief when she would be at work and or failing to follow the schedule creates chaos in the scheduling, budget and extra stress on the department.

Nick McIntyre 4-10-2019
City Administrator Nick McIntyre Date

Sergeant Sierra Fox Date



WEST UNION POLICE

Paul Beethold, Chief of Police

04-10-2019

K-9 Policy Drug Detector Police Service Dog Deployment III(C) (8)

If the handler chooses to assist an outside agency, the handler is responsible for immediately contacting the Chief of Police for notification/approval

(Referral to the City Council for dismissal)

April 3rd, 2019 Deputy Schvieger was asking for additional officers to assist with [REDACTED] in Clermont. [REDACTED] was believed to be under the influence of a narcotic and displaying a glass bottle to the deputy while hold on to a pit bull by the leash. At 17:31 Deputy Assman asked for assistance from Postville PD and Sierra Fox sent a message to dispatch at 17:31 and asked if she should be in route. To which dispatch advised Allamakee is sending Postville -your discretion if you go at 17:31. Dispatch then asked for Iowa State Patrol to be in route for assistance. Fox still did not respond to Clermont which is only eight miles away and in Fayette County. However, on April 6th, 2019 at approximately 21:07 Fox received a call for assistance in Winneshiek which is approximately thirty miles away and in a different County to which she responded. The request was for a K-9 assistance. There was no reason for her to respond due to Fayette County also had their K-9 on duty and it was non emergent. To this date I, Chief Paul Beethold, has not been informed by Sierra that she left the City of West Union to respond to Winneshiek but had to read about it in a call for service on Monday April 8th, 2019.

 4-10-19

City Administrator Nick McIntyre Date

Sergeant Sierra Fox Date



WEST UNION POLICE

Paul Beethold, Chief of Police

04-10-2019

G130.03(3)

Respond to all medical emergencies if applicable or necessary, to assist the ambulance/medical crews as needed or provide first aid as appropriate

(Referral to the City Council for dismissal)

On April 1st, 2019 at approximately 18:20 a medical was paged for 91 year old female with heart issues at [redacted] Jefferson St Apt. [redacted] in West Union. Sierra Fox, Michael Pettersen and I were all present in the West Union Police Dept at the time of the page. Sierra was the only one working at the time and responsible for responding. Sierra failed to respond.

On 4/6/19 Officer Duehring was on duty with Officer Fox. Fox was called over the radio (205) from dispatch at approximately 17:14. There was no response from Fox. Fox was called again over the radio (205) from dispatch. There was no response from Fox. On Duehring's in-car computer it showed Fox heading north on 150 and then going to the BP gas station. Dispatch then called (205,204) over the radio. Duehring responded by saying go ahead. Fox and Duehring were dispatched to [redacted] East Elm for a medical call. Duehring arrived at the address and was met by DNR Chris Jones. The male subject was in the garage and attempting to get up. Off duty Officer Jesse Stanbrough showed up a couple minutes into the call. Jones and Duehring continued to evaluate the patient prior to the arrival of Tristate approximately 3 or 4 minutes into the call. Tristate then took over on the scene. The male patient had gotten dizzy and fell. He hit his face on the hitch of his boat trailer and broke his tooth. His face was bloody, and his blood pressure was elevated. Stanbrough and Duehring secured the residence and Stanbrough went into the ambulance to check if the patient had been able to contact his wife.

Fox never showed up at the medical call, and she was still at the BP gas station when Duehring left the scene approximately 17 minutes later at 17:32. There was not a call for service at the BP gas station.

Fox had previously been at the BP gas station for approximately 30 minutes at the beginning of her shift which started at 14:00. There was not a call for service at the BP gas station then either.

Nick McIntyre 4-10-2019
City Administrator Nick McIntyre Date

Sergeant Sierra Fox Date