


# Washington County Sheriff's Department

## *Inter-Division Correspondence*

Date: 3-19-93

To : Sheriff Spinden

From: Lt. Gordon 

Subj: Step 3 grievance, Wrisley

Sheriff, as you are aware I attended a step three grievance hearing regarding the Wrisley termination yesterday. I am attaching a summary of Wrisley's testimony to this document to give you an idea of what was going on. That summary does not include documentation of our meeting with Junkin prior to the step three, or of his actions and inaction's during the actual hearing. The purpose of this correspondence is to advise you and document the level of service the department received from legal counsel.

At about 2:00 p.m. on the 18th, Capt. Underwood paged me and told me we had a meeting with Junkin. This meeting was not arranged prior to this time and took me out of a mandatory staff meeting. We went to County Counsel's office arriving at about 2:20 p.m. Junkin was able to see us at about 2:30 p.m.

We went to Junkin's office and Junkin asked us if either of us had been to a step 3 grievance before. I said I had not and Capt. Underwood said he had been to one and didn't do well so was never invited back. Junkin then explained that the process was very informal. He said that we would first explain our case. He advised me to be very brief, to cover the basic facts of how the case came to my attention, the steps I followed and then your actions. He advised me not to mention the polygraph at this time - to save it to use if we needed it or to save it until arbitration.

Junkin said that this grievance was mainly a tool for him to find out what the Association was going to do. He said it was his opinion the Association simply wanted to prolong the matter so that the criminal issue could be wrapped up prior to arbitration. Then if no indictment was returned, the water would be muddied for an arbitrator. He said the Association would probably argue that Wrisley couldn't talk due to his 5th amendment rights and claim we did not listen to him. Junkin felt that the plans of Wrisley's attorney originally were to have us order him to talk, then take the issue to court and claim immunity. He said we conducted the investigation correctly and did not offer the attorney that opportunity.

This entire meeting lasted no longer than 5 minutes.

Once at the meeting, it flowed as is stated in the summary of the Wrisley testimony. Once Wrisley was done talking, Junkin immediately asked to talk with Davis out of the room. They left and were gone for about a minute. Junkin returned and asked to talk with Garretson. They left and were gone for about a minute. Garretson then returned and asked for Gaskins and Wrisley to step out. At this point I was very uneasy as no one had advised us of what was going on, asked our opinion or given us any legal advice or choices in any way. I then left the room to find Junkin and Davis, but I couldn't find them.

I did see Garretson speaking with his clients and took the opportunity to listen. Garretson was explaining that the county was going to send the process back to step 2 and obviously was supporting this option to his clients.

At about this point Junkin walked toward me from the administrative office areas. I tried to get him to talk to me by asking him what was going on. He continued to walk and said he was sending it back. I disagreed with that and Junkin said that's too bad. I then returned to the room where Davis had also returned and I explained that I felt we were establishing bad past practice here and that the decision was poor. Junkin returned and abruptly said it wasn't past practice and that the decision was the best. He said as soon as we get a call from the Sheriff we will be done.

By this time I was totally upset with our lack of representation. I felt that Junkin was poorly prepared (the format didn't even follow the one he had briefed us on - the order of presentation was reversed), that Wisley had good representation, that Davis had representation and we had nothing. I was frustrated to the point of embarrassment.

We did not further discuss the issue until you arrived. At that time you clearly told Davis and Junkin that you disagreed with the decision but that you would order further investigation. You told them that you expected this decision to hurt us in the future, if not this case, then in another. You told them it set bad past practice regarding the due process procedures in place and you told them you felt we were not represented by legal counsel. You said you felt a conflict of interest was clearly evident and that we should have been assigned separate counsel. Junkin said that if a conflict existed that the conflict would be with all attorneys in his office, then said he didn't feel there was a conflict.

I am documenting this in hopes that in the future, the department may be able to gain competent legal advice regarding personnel issues. It is my opinion that we have solid management practices that are consistently overturned due to poor preparation and lack of knowledge of the part of our attorney.

Please advise me of any questions or instructions.