



THE CITY OF RALEIGH, NORTH CAROLINA

POST OFFICE BOX 590 • RALEIGH, NORTH CAROLINA 27602 • 919-996-3385

August 18, 2011

Richard Armstrong

Raleigh, NC 27604

RE: Appeal Response

Dear Mr. Armstrong,

On July 5, 2011 you were notified of your termination from the City of Raleigh Police Department. You filed an appeal of this decision on July 11, 2011. I met with you on August 5, 2011 in order to provide you with the opportunity to present any information you wanted me to consider before ruling on your appeal of Major Perry's decision to terminate your employment from the City of Raleigh Police Department.

I have reviewed the investigation in its entirety and carefully considered all of the information you presented at your appeal hearing. Based on my review I make the following findings:

- You made the argument that the investigation stated that Ms. Flores said she lived on Garner Road in 2009 when your inappropriate relationship with her began. You pointed out that she did not live at that address in 2009. While you are correct that the investigation and the Findings and Recommendation states 2009, Ms. Flores's statement to ICE was that the inappropriate relationship with you began when she lived on Garner Road in 2008. This incorrect transfer of information does not change the overall outcome of the investigation.
- The findings and recommendations state that on March 9, 2010 you visited Ms. Flores' residence for 2 hours and 40 minutes. However you contend that you were only inside for 40 minutes. GPS readings confirm that your vehicle was parked by her residence for 2 hours and 40 minutes on that occasion and ground surveillance confirms that you were physically present inside her home for a period of at least 40 minutes. This point does not change the overall outcome of the investigation.

POLICE DEPARTMENT

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- You stated in your appeal hearing that on April 11, 2010 you sat stationary at MLK Gardens for approximately three (3) hours and later, during the same shift, you sat stationary at the Cookout restaurant for approximately one (1) hour. While it is less than ideal for a supervisor to sit stationary at one location for such an extended period of time, I am willing to accept your assertion that you were at these locations in attempt to be a visible deterrent to crime and to meet with officers. Therefore, those two instances of inattention to duties are not sustained. All other findings related to Allegation #6 in the Findings and Recommendations remain intact, as does the recommendation.
- You stated in your appeal hearing that the Allegation #2 of the Findings and Recommendations was incorrect in that the next to last bulleted point stated: "During the interview he stated he would never go alone to 523 Branch Street." After a careful review of your interview, I agree that finding is incorrect. You qualified your statement by saying you may have been alone there but that you were usually with someone else. Therefore, that part of the finding is overturned. However, this does not change the overall outcome of this Allegation.

I hereby find that, with the exception of the amended findings specifically enumerated above, the decision to terminate your employment is upheld.

In addition to the findings stated in Major Perry's decision to terminate your employment, several other issues came to my attention during my review of the file and appeal hearing with you. Therefore, in addition to the grounds for termination previously discussed I make the following additional findings:

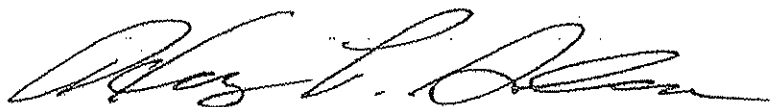
- That you were interviewed by Internal Affairs on February 7, 2011 and given a direct order not to discuss the case with anyone. During your appeal hearing, you admitted that you went to Flor Flores' house on more than one occasion. During this hearing you initially stated that, while you discussed the case against you in general terms, you did not discuss specific details of the case with her. However, at the end of the hearing you admitted that you asked her if she made any accusations against you. This conduct constitutes insubordination, in violation of RPD DOI -1104-04. This conduct, standing alone warrants your termination from the Police Department.

- That during your appeal you admitted that you were present when another officer spoke to a detective assigned to the Technical Assistance Response Unit (TARU) and made a comment that he was one of "IA's bitches." You took no action to stop this behavior or admonish this officer, even though you were a supervisor. Additionally, you made the comment to the detective that he had better not have a GPS on your vehicle. These comments were made after you had been made aware that members of the Internal Affairs Division were speaking with prostitutes about Raleigh Police Officers having sex with prostitutes. This conduct constitutes unbecoming conduct in violation of RPD DOI -1104-02. This conduct, standing alone would justify disciplinary action including days off without pay, but when taken in totality with the rest of the investigation, warrants termination from the Police Department.
- That during your appeal hearing you admitted that Sgt. DeSimone called you immediately after being contacted and told to report to Internal Affairs. During that interview with IA, Sgt. DeSimone was asked about his conversation with a prisoner who indicated that she had been interviewed by IA about Raleigh Police Officers having sex with prostitutes. Immediately after leaving this interview you had a conversation with Sgt. DeSimone, who was an Officer at the time. During that conversation you discussed his trip to IA along with why he was there. At no time did you tell him that he could not share that information with you because he had been ordered not to speak about it. It was your responsibility as a supervisor to order him to go back and tell IA that he had called you or to make notification yourself that he had spoken with you about an internal investigation after being ordered not to. This conduct constitutes unbecoming conduct in violation of RPD DOI-1104-02 and dereliction of duty, in violation of RPD DOI-1104-04. This action, standing alone warrants your termination from the Raleigh Police Department.
- That during your appeal hearing you stated that Krystal Mills has provided reliable information to you in the past concerning where to find an individual who had an outstanding warrant. You also indicated that you believed her when she told you Internal Affairs had come to question her about you. Therefore, after reviewing the full investigation and carefully considering all of your statements, along with all the statements of the witnesses who were interviewed,

I find that Krystal Mills statement that you repeatedly asked her for sex and exposed your penis to her in her apartment while you were in uniform to be substantiated. This behavior is unbecoming conduct, in violation of RPD DOI - 1104-02 and, standing alone, warrants your termination from the Raleigh Police Department.

As stated above, I have thoroughly reviewed the entire investigation as well as all the information you presented to me during your appeal hearing and conducted the necessary follow up inquiries from that hearing. The facts of this investigation are very troubling and I have not come to this decision lightly.

You are hereby notified of your right to appeal this decision to the City Manager by submitting a request to the Personnel Director within 3 working days after the verbal notification from the Department Head, in accordance with City SOP 300-18 5.1.3. If you do not appeal this decision as outlined above, this letter will constitute a final decision in accordance with N.C.G.S. §160A-168.



Harry P. Dolan
Chief of Police
City of Raleigh