



August 23, 2017

**Amended Final Investigative Report Concerning Ombudsman Complaints 2016-0626 & 2016-0709
Issued August 23, 2017, in Response to Ombudsman Grievance 2017-07
*Edits Are Highlighted***

COMPLAINT 2016-0626

An individual contacted the Municipal Ombudsman's Office alleging that the Anchorage Police Department's Lead Chaplain had posted a video on the internet in which she shared personal victim and family information regarding a tragedy that she had responded to, and that the video was used to solicit funds for her religious non-profit. The complainant believed that it was inappropriate for an Anchorage Police Department (APD) chaplain to publicly share information obtained in the performance of her duties, and to use that information to solicit donations for her religious non-profit.

COMPLAINT 2016-0709

An individual contacted the Municipal Ombudsman's Office alleging that the Anchorage Police Department's Lead Chaplain had disclosed, in a social setting, confidential information regarding a suicide that she had responded to with the Anchorage Police Department. The complainant believed that it was inappropriate, and a breach of the public trust for an Anchorage Police Department (APD) chaplain to disclose confidential information obtained in the performance of her duties.

FINDINGS

Complaint 2016-0626: This complaint against the Municipality of Anchorage, Police Department, Lead Chaplain is **PARTIALLY JUSTIFIED**.

Complaint 2016-0709: This complaint against the Municipality of Anchorage, Police Department, Lead Chaplain is **JUSTIFIED**.

ANALYSIS AND CONCLUSIONS

Complaint 2016-0626: In August 2013, the APD's Lead Chaplain (CK) responded to a traffic accident in South Anchorage that claimed the lives of two teenage girls. In May 2016, an individual contacted the Municipal Ombudsman's Office alleging that CK had posted a video on the internet regarding the fatal drunk driving incident that she had responded to in 2013. The complainant alleged that in the video CK had shared personal victim and family information, and that the video was used to solicit funds for her religious non-profit. The complainant believed that it was inappropriate for an APD chaplain to share information obtained in the course of her duties, and to use that information to solicit donations for her

religious non-profit. The complainant provided the Ombudsman with sections of the Municipality's Personnel Rules and Ethics Code, which she believed were relevant to CK's conduct.

In order to determine if the Municipality's Personnel Rules and Ethics Code applied to CK, the Ombudsman researched the history and nature of the APD and Anchorage Fire Department (AFD) chaplaincy program. For over 30 years, the Anchorage Police and Fire Chaplains Ministry (APFCM) has worked with the APD and AFD to provide volunteer chaplains to serve both departments. The APFCM is a 501c3 nonprofit, whose sole purpose is to provide chaplains to public safety agencies and hospitals in the State of Alaska. The APD has authorized employee payroll deductions to help support the organization. The APFCM had operated for decades under a Memorandum of Understanding (MOU) between the APFCM and the Municipality of Anchorage. The MOU outlined the responsibilities of each party under the agreement, and contained term, amendment, notices, jurisdiction, indemnification, termination, and Equal Employment Opportunity clauses. Although the MOU expired several years ago, the parties agreed to continue to operate under the terms of the MOU until a new agreement could be negotiated.

The Ombudsman determined that CK, as a volunteer chaplain, was not subject to the requirements of the Municipality's Personnel Rules or Ethics Code. When the APD received a complaint regarding one of their volunteer chaplains, they would refer the complainant to the APFCM, because the chaplains are not APD employees, and are not subject to APD Policies. Consequently, the Ombudsman contacted the APFCM Executive Director (ED) regarding the allegation involving CK. The ED informed the Ombudsman that CK was not affiliated with the APFCM, and had been designated as APD's lead chaplain by Chief Mew, and that she was sponsored (financially supported) by the North of Hope Ministry.

The Ombudsman's initial inquiries generated concerns regarding the nature of CK's chaplaincy with the APD, and led to further investigation. The Ombudsman determined that CK had started as a chaplain with the APFCM in February of 2011. On April 8, 2013 the APFCM sent a letter to Chief Mew informing him that they were appointing CK as their lead chaplain for APD. On March 5, 2015 the APFCM severed their affiliation with CK, and informed Chief Mew of their decision. The APD apparently made the decision to retain CK as the lead chaplain for the APD (although there is nothing in writing to substantiate this). On June 1, 2015, the APFCM sent a letter to Chief Mew reiterating that they had severed their affiliation with CK, and outlining the reasons why they had done so, including a link to an online video that they believed contained identifying victim and family information, and was being used for fundraising. The letter noted that "APD is assuming all responsibility for CK and any liability incurred."

The nature of CK's position as APD's lead chaplain raised several concerns for the Ombudsman, including the lack of any written agreement between North of Hope and the Municipality. As APD's lead chaplain, CK was provided with office space at APD, a computer, a muni.org email address, APD business cards, and a Municipal vehicle. CK also had unfettered access to the APD building. Although the ACFCM had previously conducted a background check of CK, the APD did not conduct a background check of CK before appointing her as their volunteer Lead Chaplain, nor did they request a copy of her driving record before providing her with a Municipal vehicle, and assuming liability for her when she drove the vehicle. The Ombudsman believes that there should have been a written agreement between North of Hope and the Municipality that addressed the responsibilities of CK and the APD, and addressed liability, confidentiality, and indemnification. As structured, CK's service as volunteer lead chaplain for the APD exposed the APD, the Municipality, CK, and North of Hope to significant potential liability.

In investigating the video that CK had posted that allegedly contained information regarding a fatal drunk driving incident that CK had responded to in August 2013, the Ombudsman determined that the video had been filmed the same month (within days of the incident). The Ombudsman was unable to determine the exact date that the video was posted online, but did determine that it was available to view online on April 24, 2014, and that as of that date it had been viewed 593 times. The Ombudsman was never able to view the entire video, as it was pulled from the internet after the Executive Director of Victim's for Justice wrote a letter to CK and her husband (DK, who along with CK directs North of Hope), requesting, on behalf of the victims' families, that the video be removed from the internet. The video was removed following the request from Victim's for Justice. Copies of the letter were mailed to APD Chief Tolley and the two Deputy Chiefs.

The Ombudsman was provided with a recording of the section of the video that references CK's service as the lead chaplain for APD, and the 2013 fatal drunk driving incident. In the video DK refers to CK's "incredible role" as the lead chaplain for the Anchorage Police Department, and then photographs of CK in her APD chaplain's uniform, including one of her standing next to her Municipal-owned chaplain's vehicle, are shown. The screen then transitions to a close up of CK, as she talks about "two people covered who had been hit", that the driver had "been drinking", "he was road rage", that he had "plowed into these two little girls, left their shoes on the intersection", and that she "watched a second father in twenty minutes fall to his face".

The Ombudsman was troubled by several aspects of the video. It was inappropriate for CK to use photos of her in her chaplain's uniform, and a photo of her next to her chaplain's vehicle, in the video. The use of these images in the video could be interpreted as an APD endorsement of the video and her ministry. In the video CK, after being introduced as the lead chaplain for the APD, and images of her in uniform flashing on-screen, opines that the driver of the vehicle "had been drinking" and was "road rage". CK, after being introduced as an agent of the APD, offered her opinions regarding criminal legal matters that had not been adjudicated by the courts. The video was filmed and posted before the driver was tried by the courts. CK also disclosed information regarding the victims and their families that would not have been available to the general public. CK only had access to the information because of her service as a volunteer chaplain with the APD.

The public, and victims and their families, need to be confident that the APD, including volunteer chaplains, will protect confidential information acquired in the course of their duties, and that they will not use that information to promote themselves or their ministry. APD's volunteer lead chaplain should not be using her chaplain's uniform and chaplain's vehicle in videos that are used to promote her service with the APD (other than in instances approved by the APD), herself, or her ministry. While CK did not use the names of the victims and their families in the video, when the Ombudsman Googled the information that CK disclosed in the video, nine of the top ten search results were for the correct incident. When interviewed by the Ombudsman and APD Lt. Denise Rollins, CK stated that the spokesperson parent for the two victim families had given CK and DK permission to share the families' stories. That parent emphatically denied that she had given CK and DK permission to share their stories, when questioned by the Ombudsman.

An APD commander (CM) informed the Ombudsman that he had counseled CK regarding appearing in a video promoting herself or her ministry wearing her chaplain's uniform when she was still affiliated with the APFCM (prior to March 5, 2015). In that instance CM requested that CK remove the video in question from the internet and she complied. This prior incident makes it difficult for CK to argue that she was not aware that some of the content in the video referencing the August 2013 drunk driving

incident might be inappropriate. Yet, the video was not removed from the web until April 2016 (after the letter from Victims for Justice). The Ombudsman also obtained a copy of an "APFCM Confidentiality Agreement" signed by CK on August 7, 2014. One clause of the agreements states "I will not use, disclose or discuss confidential information with others including; friends, family or the public without prior authorization." Even though CK was no longer affiliated with the APFCM, the confidentially agreement set standards that she should have continued to adhere to as APD's lead chaplain.

As to the question of whether or not one of the purposes of the video was fundraising, given the available evidence, the Ombudsman was not able to substantiate this allegation. The Ombudsman was not able to view the entire video, and the section that he has viewed does not solicit funds. **Although the video was posted on websites that solicited and accepted donations, the Ombudsman did not find any evidence to prove that the specific purpose of the video itself was to raise money or solicit donations.**

Because the video posted online by CK and DK contains confidential information that CK obtained in the course of her service as volunteer Lead Chaplain for the APD, and because the video contains photographs of CK in her APD chaplain's uniform, and CK next to her Municipal owned chaplain's vehicle, and because in the video CK opines regarding legal matters that had not been adjudicated by the courts, and because the Ombudsman is unable to substantiate the allegation that the video was used specifically for fundraising, the Ombudsman finds this complaint against the Municipality of Anchorage, Police Department, Lead Chaplain alleging that the Chaplain had posted a video on the internet, in which she shared personal victim and family information regarding a tragedy that she had responded to, and that the video was used to solicit funds for her religious non-profit to be PARTIALLY JUSTIFIED.

Complaint 2016-0709: In May 2016, an individual contacted the Municipal Ombudsman's Office alleging that the APD's Lead Chaplain had disclosed, in a social setting, confidential information regarding a suicide that she had responded to with the APD, including information regarding an emergency foster child placement, and the living conditions in the victim's home. The complainant believed that it was inappropriate, and a breach of the public trust for an APD chaplain to disclose confidential information obtained in the performance of her duties.

The Ombudsman confirmed that CK had responded to a suicide on a Friday in May 2016, and that a foster parent had been called to the scene for an emergency placement. The Ombudsman and APD Lt. Denise Rollins met with CK and DK for two hours on July 14, 2016, to discuss this complaint, and Complaint 2016-0626. The Ombudsman asked CK if she remembered responding with APD to the suicide in question. She replied "yes". The Ombudsman then asked her if she remembered sharing information regarding the incident and the fact that a foster parent responded for an emergency placement, at a social gathering the next day (Saturday). CK asked the address of the social gathering; the Ombudsman responded that the address was not relevant. Did she remember sharing information regarding the suicide, the next day, at a social gathering for a person that was moving out of state? CK responded "yes".

DK then noted that she was "diffusing" from the suicide. CK stated that the two people that she diffused with were both chaplains. The Ombudsman asked if they were Anchorage Police or Fire Chaplains. "No", one was a chaplain from Soldotna, and the other was an emergency response chaplain. They are both accredited by the same accrediting ministry that CK is, 4 Square. DK noted that even police officers

confide in chaplains, ministers, and counselors. DK stated that both of the chaplains that his wife **diffused** with are licensed ministers.

The Ombudsman did not interview the two chaplains that the Chaplain stated that she had **diffused** with, because he did not dispute that the Chaplain may have been **diffusing** with two other chaplains when she disclosed information regarding the suicide that she had responded to with the APD. In the course of his investigation, the Ombudsman relied on emails, memos, videos, copies of blogs, the written responses provided by the Chaplain, and the Chaplain's statements during the interview conducted by the Ombudsman and Lt. Rollins, while investigating the allegations against the APD involving its volunteer Lead Chaplain.

Following the meeting Lt. Rollins pointed out to the Ombudsman that while **police** officers do confide in chaplains, ministers, counselors, etc., if any confidential information is leaked to a third party, **the** officers would have to face and deal with the consequences. Even if CK's assertion that she was **diffusing** with other chaplains is true, she was careless and confidential information was obtained by others, including information regarding an emergency foster child placement, and the living conditions in the victim's home (no electricity or food). One of the clauses in the APFCM confidentiality agreement that CK signed states "I will not discuss confidential information where others can over hear the conversation. Given the sensitive nature of our work, I understand that any detail overheard, even if an individual's name is not used, will raise doubts about our respect for privacy." Even though CK was no longer affiliated with the APFCM, the confidentiality agreement sets out standards that she should have continued to adhere to as APD's lead chaplain.

The Ombudsman is of the opinion that this incident, and the other incidents that he was made aware of while investigating Complaint 2016-0626, demonstrate that CK should not be serving as a volunteer chaplain with the APD. The public, victims and their families, and APD need to have confidence that APD volunteer chaplains will maintain and safeguard confidentiality

Because CK shared confidential victim information in a social setting, that she acquired while responding to an incident with the APD, and because sharing the information was a breach of the public trust, and was not in keeping with her responsibilities as a volunteer police chaplain, the Ombudsman finds this complaint against the Municipality of Anchorage, Police Department, Lead Chaplain alleging that the Chaplain had disclosed, in a social setting, confidential information regarding a suicide that she had responded to with the APD to be JUSTIFIED.

While investigating Complaints 2016-0626 and 2016-0709, the Ombudsman became aware of other incidents and allegations involving CK:

- 1) An allegation that in December 2012 CK had posted confidential victim information on her personal blog regarding a suicide that she had responded to with the APD. The Ombudsman reviewed a printed copy of the blog, titled "Tandem Thoughts". In the blog CK disclosed the age, gender, and profession of the suicide victim. She also disclosed that she had used a high-powered rifle to kill herself, and that she had a spouse. She also disclosed the ages and gender of the victim's children. She opined that "Assisted by prescription drugs and heavy alcohol this desperate, beautiful, intelligent loving woman succeeded in her mission to end her pain while introducing her sons to the worst day of their lives." The blog was posted online until a social worker came across the blog in July of 2014 and complained about it to the APFCM. CK then removed the blog from the internet. It is the Ombudsman's opinion that posting this blog, containing confidential victim information was inappropriate and detrimental to the reputation

of, and public trust in, the APD. Common sense and good judgement should have prevented CK from this egregious violation of victim confidentiality.

- 2) An allegation that CK and her husband had cleaned up the scene of a suicide that she had been called to by the APD. The victim had shot himself, and blood and brain tissue coated a pile of firewood. After the body had been removed, and the family and first responders had left, CK called DK to bring their pickup truck to the crime scene, they loaded up the firewood that was coated with hazardous materials (blood and brain tissue), and eventually dumped the firewood in the dumpster behind APD headquarters. CK and DK stated that an APD commander (CM) had authorized them to clean up the crime scene, and to dispose of the firewood in the dumpster. CM confirmed that he told CK that it would be OK for her to help the family by cleaning up the crime scene. While he did not recall approving of disposal of the firewood in the dumpster, he stated that he could not swear that he did not approve of the disposal. Based on the available evidence, the Ombudsman concluded that CK was informed by the APD that it was OK for her to assist the family by cleaning up the crime scene. The evidence is inconclusive as to whether or not APD authorized CK and DK to dispose of the hazardous materials in the dumpster behind APD. This incident shows a need for APD to develop a policy regarding volunteer chaplains and their role, if any, in assisting in cleaning up crime scenes.
- 3) An allegation that CK sent emails to the “!APDAIIPersonnel” distribution list, that referenced God and Jesus, and quoted the Bible. The Ombudsman reviewed emails that were emailed on 02/03/14, 03/03/14, and 05/28/14, and confirmed that the emails contained references to God and Jesus, and quoted the Bible. At the bottom of each email was a notation that the email had been approved by an APD commander (CM). The Ombudsman ascertained that neither the APD nor the Municipality has any written policy regarding emails containing religious references. However, the Municipality’s Employee Relations Director noted that “I will state that it’s not appropriate in a public sector workplace. Not everyone is a Christian, or religious for that matter, so employees should not have to be subjected to religious emails.” When the Ombudsman interviewed CM he stated that he did not personally review each of the emails that CK sent to APD personnel. He also noted that he had counseled her regarding including religious references in her emails, after he received comments concerning the first email that she had sent. The Ombudsman believes that this issue identifies the need for the APD and the Municipality to develop a written policy regarding religious emails being sent from Municipal computers. NOTE: The APFCM had requested that CK refrain from sending the emails, as they were against their policy (at the time CK was still affiliated with the APFCM). After being advised regarding the APFCM’s policy, CK contacted the International Conference of Police Chaplains, and inquired if they had a policy against sending religious themed emails to the agencies that their accredited chaplains served. They responded that they did not, and CK apprised an APD commander (CM) regarding the ICPC’s response to her inquiry. CM then authorized CK to continue sending the emails (without religious references). At the time, although CK was still affiliated with the APFCM, rather than adhering to their policy when she was asked to, she went “policy shopping” in an attempt to find a policy that affirmed the actions that she wanted to take.
- 4) An allegation that CK made an inappropriate comment during APD Academy 15-1’s Spousal Academy. The Spousal Academy is a day when the spouses and parents spend the day with the Academy Recruits and their instructors, at the APD Training Center. The Ombudsman interviewed multiple witnesses who stated that CK had spoken to those present about the five most important things in life, and that #5 was to love your spouse, and have lots of “Hot Sex”. Several Academy staff members believed that the comment was unprofessional, and not appropriate for an audience that included spouses and parents. “Appalled” and “Shocked” were

how some of the staff described their reactions. While some may have thought the remark funny, the Ombudsman believes that it showed a lack of good judgement on the part of CK and that it was inappropriate and unprofessional.

- 5) An allegation that CK attended the March 2016 Volunteer Organizations Assisting in Disasters (VOAD) meeting, wearing her APD chaplain's uniform, and that she introduced herself as the APD's lead chaplain, and then addressed the group regarding the emergency response kitchen that her North of Hope Ministry is developing. When the Ombudsman and Lt. Rollins interviewed CK and DK, CK admitted that this is what had transpired. CK noted that after she addressed the group, she passed out her North of Hope business card, and not her ADP business card. The Ombudsman noted that it was inappropriate for CK to wear her APD chaplain's uniform, introduce herself as APD's lead chaplain, and then speak about her ministry's program. The organizations attending might perceive that the APD and Municipality were endorsing the ministry's program. This incident demonstrates CK's inability to separate the different organizations that she is affiliated with and represents. Another example is the picture of CK and DK on the front page of their North of Hope webpage, in which she is wearing her APD chaplain's uniform. This is inappropriate, as it could imply that the APD supports and endorses North of Hope.

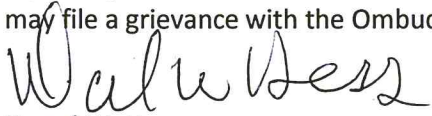
Taken separately, many of the issues and concerns raised regarding CK's conduct could be perceived to be no big deal; we all make mistakes. However, when you look at these issues collectively, along with the issues raised in Complaint 2016-0626 and Complaint 2016-0709, the Ombudsman believes that they demonstrate a pattern of poor judgement. The public needs to have confidence in the professionalism of APD first responders; they have to be able to trust their judgement and ability to safeguard and maintain confidentiality. The Ombudsman acknowledges that the APFCM's policies may not have been readily available to CK, and that the APD's current chaplaincy policy is extremely inadequate, and that the Municipality's Personnel Rules and Ethics Code did not apply to CK because she was a volunteer, not an APD employee. Neither the confusion regarding policies, nor the lack of policies, excuses the majority of CK's actions. While CK, as a volunteer chaplain, was not subject to APD's policies, or the Municipality's Personnel Rules, or Ethics Code, as a minister and endorsed police chaplain, she should have been aware that it was incumbent upon her to protect confidential victim and family information. Not doing so was detrimental to the reputation of, and the public's trust in, the APD.

Based on the investigation of these cases, the Municipal Ombudsman recommends the following:

- 1) That the Anchorage Police Department sever their relationship with their volunteer Lead Chaplain, CK. The Ombudsman believes that retaining CK as a volunteer APD Chaplain is not in the best interests of the Anchorage Police Department, or the Municipality of Anchorage.**
- 2) That if the APD severs CK as their Lead Chaplain, that APD personnel be notified of the action (not why). Not informing APD personnel that CK is no longer a volunteer APD chaplain, could lead to confusion and the possibility that APD personnel might continue to share confidential information with CK.**
- 3) The Ombudsman has previously made several recommendations to the Municipal Attorney's Office and AFD Chief LeBlanc regarding standards and requirements to be included in the new Municipality of Anchorage Public Safety Chaplaincy program that is being developed, including confidentiality, political activities, and when it is appropriate to wear chaplain uniform. These recommendations have been incorporated into the proposed new chaplaincy program.**

Based on these findings, and these recommendations, this case is closed.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006.

A handwritten signature in black ink that reads "Darrel W. Hess". The signature is written in a cursive style with a large initial "D".

Darrel W. Hess
Municipal Ombudsman