

## MEMORANDUM

FROM: Keith B. Sieczkowski  
To: Leon Valley City Council  
Via: Kelly Kuenstler, City Manager  
DATE: September 15, 2020  
SUBJECT: Summary of Investigation of Complaint Concerning Councilor Will Bradshaw

The following Summary of Investigation is provided pursuant to Home Rule Charter (“HRC”), § 3.12.

### SUMMARY OF CHARGES

#### SUMMARY OF EVENTS FOLLOWING THE JUNE 4, 2020, COUNCIL MEETING

Following the June 4, 2020, Council Meeting, which extended to the early hours of June 5, 2020, , pursuant to a pending arrest warrant, Leon Valley police officers arrested an individual who attended the meeting. (the Arrest). The Arrest was made in the foyer area just outside the City Council Chambers. The Arrest itself was professional and nonconfrontational. After the Arrestee was no longer in the area several citizens questioned the arresting officer about the propriety of the Arrest. The officer responded by explaining his duties pursuant to Texas law to execute warrants. Councilor Bradshaw walked toward the officer and, while gesticulating and pointing his finger at the officer, interjected stating, inter alia: “You’re the problem with this country.” “You’re the problem.” “You’re the guys that are kneeling on people’s necks.” “I’m sorry but this is disgusting.” “Arresting a 77-year old man for assault is disgraceful.” “You are disgraceful.”

### CHARGES

1. That on about June 5, 2020, following the June 4, 2020, City Council Meeting, Councilor Will Bradshaw violated HRC, § 3.09(A), (C), and (D), and City Ordinance § 1.12.011 by directing comments to officers following and regarding the arrest of a person who had attended the City Council Meeting.

- a. HRC, § 3.09(A) provides in relevant part:

No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. The City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City’s liability therein and only then upon a majority vote of the City Council.

- b. HRC, § 3.09(C) provides in relevant part:

Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council as a whole and its individual members shall deal with City officers and employees who are subject to the direction and supervision of the City

Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.

- c. HRC, § 3.09(C) provides in relevant part:

. . . Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.

- d. City Ordinance § 1.12.011 provides in relevant part:

All city officials and employees are entitled to a workplace free of unlawful harassment by city officials . . . . This means that all city officials and employees must be respectful of others and act professionally. City officials and employees are also prohibited from engaging in unlawful harassment of other city officials, employees, citizens, vendors, and all other third parties.

- (1) . . . Harassment becomes unlawful when:

- (A) The offensive conduct causes intimidation, an antagonistic environment and/or is offensive to a reasonable person. The conduct can include but is not limited to epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward a city official or employee, and that interferes with work performance. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly prohibited

2. That Councilor Bradshaw's subsequent statements to the media to the effect that the Arrest was "wrong" violated HRC, § 3.09(A).

- a. HRC, § 3.09(A) provides in relevant part:

No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. The City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.

#### **SUMMARY OF STATEMENTS AT AUGUST 4, 2020, CITY COUNCIL MEETING**

During the August 4, 2020, City Council Meeting there were various comments made regarding home rule and comparing home rule to "general law" rule of city government. Various charter amendments are on the ballot for the upcoming November election. During his comments, Councilor Bradshaw stated his opinion that he believed that home rule has been and is a problem for the City and pointed out that there are various proposed charter amendments on the ballot. Councilor Bradshaw stated he "urges citizens to vote 'no' on all the charter amendments."

### **CHARGES**

3. That Councilor Bradshaw's commentary during the August 4, 2020, Council Meeting, which was being live streamed and available on the City's website, urging citizens to vote "no" on measures that are on the ballot for the upcoming general election violated City Ordinance §§ 1.12.003, and 1.12.007.
  - a. City Ordinance §§ 1.12.003 provides in relevant part:
    - (a) General rule. A city official or employee may not use his or her official position to unfairly advance or impede private interests, or to grant or secure, or attempt to grant or secure, for any person (including himself or herself) any form of special consideration, treatment exemption, or advantage beyond that which is lawfully available to other persons.
  - b. City Ordinance §§ 1.12.007 provides in relevant part:

A city official or employee shall not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

    - (1) Pursuant to duly adopted city policies; or
    - (2) To the extent and according to the terms that those resources are lawfully available to the public.

### **BACKGROUND/ITEMS REVIEWED**

The undersigned was presented with a copy of a letter dated August 21, 2020, from Councilor Dr. Rodriguez (the "Rodriguez Letter"). The Rodriguez Letter indicates that it was sent because Councilor Dr. Rodriguez is the councilor who requested a hearing on Councilor Bradshaw's conduct. The Rodriguez Letter focuses on three events and whether they violate various provisions of the HRC or City Ordinance:

- Councilor Bradshaw's behavior during and after the Arrest. (HRC, § 3.09(A), (C), and (D), and City Ordinance § 1.12.011)
- Councilor Bradshaw's subsequent statements to the media to the effect that the Arrest by City employees was "wrong". Councilor Bradshaw also apparently contributed to the defense fund for person arrested. (HRC § 3.09(A))
- Councilor Bradshaw's commentary during the August 4, 2020, Council Meeting, that was being live streamed and available on the City's website, urging citizens to vote "no" on measures that are on the ballot for the upcoming general election. (City Ordinance §§ 1.12.003, and 1.12.007)

On September 1, 2020, a letter dated July 10, 2020, from the Chief of Police, Joseph Salvaggio, (the "Salvaggio Letter") was also provided.

- The Salvaggio Letter provides greater detail regarding the Arrest and Councilor Bradshaw's response. The Salvaggio Letter also requests a 3.12 hearing and asserts that Councilor

Bradshaw's conduct violated the same HRC and City Ordinances as asserted in the Rodriguez Letter.

- The Salvaggio Letter suggests that the Mayor and Councilor Bradshaw's actions "create the appearance of wrongdoing" and "opens the City to liability" but no details of any such conduct are provided. Ostensibly, the Salvaggio Letter implies that the comments made by Councilor Bradshaw following the Arrest gave the appearance of wrongdoing by the City.
- Attached to the Salvaggio Letter are three "statements".
  - The first is a letter, dated June 16, 2020, appears to be from Assistant Police Chief Gonzalez (the "Gonzalez Letter") to the Chief of Police describing the Arrest and Councilor Bradshaw's behavior. The Gonzalez letter complains about Councilor Bradshaw's behavior and the fact that he apparently forwarded footage of the incident to a YouTube reporter, Justin Pulliam. The Gonzalez Letter also indicates that prior to the Arrest taking place a check was made to ensure the warrant was still valid.
  - The second is an email dated June 17, 2020, from [r.flores@leonvalleytexas.com](mailto:r.flores@leonvalleytexas.com) to David Gonzalez. Based on the text of the email, it appears that R. Flores is a police officer who was at the scene immediately following the Arrest. The email contains Officer Flores' report of Councilor Bradshaw's conduct and how it made the officer feel about serving as an officer.
  - The third is an email from Sgt. David Trevino to David Gonzalez dated June 17, 2020. Sgt. Trevino describes Councilor Bradshaw's behavior and statements to Assist. Chief Gonzalez following the Arrest.

A review of the following has also been conducted:

- Applicable portions of the video of the August 4, 2020, Council Meeting were reviewed. The review indicates that Councilor Bradshaw made comments urging citizens to vote against all pending charter amendments.
- Portions of the video of the June 4, 2020, Council Meeting were reviewed. The Arrestee attended the meeting and presented comments and inquiries to the City Council on several occasions. The video did not contain the Arrest.
- A posting and commentary by Justin Pulliam relating to the Arrest was viewed. (See <https://www.youtube.com/watch?v=2Vc6unlUcJ0>). The posting included a video clip of the Arrest. From what is available on the video, the Arrest was peaceful and nonconfrontational. It appears a copy of the warrant for the Arrest was provided to the Arrestee at the time. Other portions of the posting, include video of officers during and after the Arrest from what appears to be within the Council Chambers. A voice can be heard saying "this is disgusting", or words to that effect.
- A July 21, 2020, Channel 4 news clip was reviewed. (See <https://news4sanantonio.com/news/local/leon-valley-city-council-investigating-city-manager-for-violating-citys-code-of-ethics>). The report contained a short clip of Councilor Bradshaw stating "You're the problem. You are the guy's who are kneeling on people's necks".

According to the report the video was obtained from body cameras on one or more of the officers present.

- Portions of the July 21, 2020, Council Meeting which included two videos from police body cameras and a response by Councilor Bradshaw were reviewed.
  - In the videos, an officer is explaining to someone the duty of officers to comply with arrest warrants. Councilor Bradshaw confronts the officer and specifically states, “you are disgusting”, “you are the problem with this country”, “you’re the ones kneeling on people’s necks”, “arresting a 77-year old man for assault is disgraceful”, and “you are disgraceful”. At no time did the officers make a scene or respond inappropriately.
  - In his response following the presentation by the City Manager, which included the body camera videos, Councilor Bradshaw made remarks about his conduct. Counselor Bradshaw alleged “he knows” the Chief of Police “targets citizens”, and objected to the City Council’s failure to conduct a review to determine whether the police department was wrongfully expending funds, even though he admittedly has no evidence to suggest that any inappropriate spending has occurred.

With respect to the Arrest and his particular conduct, Councilor Bradshaw explained that he had just finished a 7-hour Council Meeting and was tired. He said he was upset by the Arrest and stated that he had not seen the officers act inappropriately and was speaking metaphorically about the officers “kneeling on people’s necks”. He also claimed that the City employs an officer who is a “bad egg”. However, there is nothing to indicate that the officer mentioned by Counselor Bradshaw was involved in the Arrest or that the Arrest was anything other than lawfully done in what appears to be professional manner, albeit following a lengthy City Council Meeting.

- The three video camera recordings of the police officers during and following the Arrest were reviewed.
  - Two of the videos included the comments by Councilor Bradshaw which were also presented to the City Council on July 21, 2020.
  - The remaining video was from the officer executing the warrant and depicts the exchange between the Arrestee and the police.
- A video clip of the Arrest taken from within Council Chambers was reviewed. The video is purported to be from Councilor Bradshaw. His voice as well as the voice of others can be heard on the video. This is the same video clip that was included in the Pulliam YouTube report.
- Various video clips of Councilor Bradshaw wearing a mask that contained the words “JOSH Stevens for Leon Valley”. Josh Stevens is a candidate for City Councilmember, Place 2 which is currently filled by Councilor Dr. Rodriguez. All but one of videos are times when no meeting is taking place. However, the video of the Council Meeting from September 1, 2020, also depicts Councilor Bradshaw wearing the mask throughout the City Council meeting.

### SUMMARY OF RESULTS OF INITIAL INVESTIGATION

- A. Councilor Bradshaw's conduct in addressing and criticizing the officers following the Arrest violated HCR, § 309(C).
  - 1. Councilor Bradshaw's statements following the Arrest were directed to the officers personally. In particular, Councilor Bradshaw specifically addressed his comments to the officer as "you"--e.g., "you" are disgusting, "you" are the problem, "you" are disgraceful.
  - 2. Councilor Bradshaw's statements were directly to the officers complaining about their performance of their work duties, while they were on duty performing services for the City.
  - 3. By addressing the officers, Councilor Bradshaw was dealing with the officers regarding their performance of their work duties, directly, while they were on duty performing services for the City.
  - 4. According to the City's Organizational Chart, all officers are subject to direction of the City Manager and the Chief of Police.
- B. Councilor Bradshaw's conduct in addressing and criticizing the officers following the Arrest violated HCR, § 309(D).
  - 1. Councilor Bradshaw's statements following the Arrest were directed to the officers personally. In particular, Councilor Bradshaw specifically addressed his comments to the officer as "you"--e.g., "you" are disgusting, "you" are the problem, "you" are disgraceful.
  - 2. Councilor Bradshaw's statements were directly to the officers complaining about their performance of their work duties while they were on duty performing services for the City.
  - 3. By addressing the officers, Councilor Bradshaw was dealing with the officers regarding their performance of their work duties, directly, and while they were on duty performing services for the City.
  - 4. According to the City's Organizational Chart, all officers are subject to direction of the City Manager and the Chief of Police.
  - 5. According to the City's Organizational Chart, police officers ostensibly are included in the term "City Staff".
- C. There is insufficient evidence to indicate that Councilor Bradshaw admitted liability of the City.
- D. Councilor Bradshaw violated City Ordinance, § 1.12.011.
  - 1. Councilor Bradshaw's statements and conduct toward the police officers following the Arrest was objectively loud and aggressive—much more so than others who questioned the Arrest. While making accusatory statements to the officers, Councilor Bradshaw gesticulated

- aggressively and forcefully. The video shows that he stepped toward the officer while calling the officer disgusting and disgraceful. Despite the Arrest itself being nonconfrontational, Councilor Bradshaw claimed the offer(s) is/are the problem with the country and the ones kneeling on peoples' necks. Councilor Bradshaw admittedly knew that nothing like this had occurred and had not seen this happen by any member of the Leon Valley Police.
2. Some of the comments made by Councilor Bradshaw in explanation of his behavior do not appear relevant to his conduct.
    - a. Although Councilor Bradshaw considers a former San Antonio police officer who was subsequently hired by Leon Valley to be "a bad egg", there is no indication that the officer was present during or involved in the Arrest.
    - b. Councilor Bradshaw partially explained his conduct by stating that he was only speaking metaphorically when he stated that the officers are the ones "kneeling on people's necks". However, the extreme imagery of an office kneeling on a person's neck when Councilor Bradshaw knew that nothing of that sort had occurred would be negative stereotyping and certainly offensive to the officers and denigrating as it claims they do so.
    - c. Similarly, Councilor Bradshaw's anger after learning that the warrant on which the Arrest was made was issued on the complaint of another Councilor does not relate to Councilor Bradshaw's behavior after the Arrest. Assuming he is correct, his statements indicate that he was not aware of who filed the complaint at the time of the Arrest.<sup>1</sup>
  3. City Ordinance, § 1.12.011 indicates that all "city officials and employees are entitled to a workplace free of unlawful harassment by city officials".
    - a. No specific definition of "unlawful" is provided in the Ordinance itself.
    - b. Also, the language in the Ordinance appears to cover conduct much broader than harassment based on someone's statutorily protected characteristics. For example, after indicating that all officials and City employees are entitled to a workplace free from unlawful harassment, the Ordinance provides, "This means that all city officials and employees must be respectful of others and act professionally."
    - c. The conduct of Councilor Bradshaw when he addressed the officers following the Arrest was not respectful or professional.
    - d. City Ordinance, § 1.12.011(1)(A) provides in relevant part:

Harassment becomes unlawful when:

The offensive conduct causes intimidation, an antagonistic environment and/or is offensive to a reasonable person. The conduct can include but is not limited to epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single

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<sup>1</sup> Several comments suggest a belief that police issue warrants. Warrants are issued by a magistrate. *See* Tex. Code Crim. Proc. § 15.01.

out, denigrate, or show hostility or aversion toward a city official or employee, and that interferes with work performance. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly prohibited.

- e. Objectively reviewing the video of Councilor Bradshaw indicates that he was (a) creating an antagonistic environment; (b) he stereotyped the officers by asserting they are the “people kneeling on people’s necks”; (c) calling the officer disgusting and disgraceful was degrading under the circumstances; and (d) the Councilor’s conduct would be perceived as offensive.

**RELATED ISSUES TO BE DEVELOPED/CONSIDERED**

It is for Council to determine what, if any, action the Council will take based on the findings. In doing so, the Council may consider all matters in mitigation of the conduct.

Sincerely,

A handwritten signature in blue ink, appearing to read "KB Sieczkowski". The signature is fluid and cursive, with the initials "KB" being particularly prominent.

Keith B. Sieczkowski