



**CUYAHOGA COUNTY
AGENCY OF THE INSPECTOR GENERAL**

REPORT OF INVESTIGATION

CASE NUMBER: INVEST-000111

SUBJECT NAME: Tracie M. Washington

AGENCY: Department of Public Safety and Justice Services /
Custody Mediation

POSITION: Program Officer 2

SOURCE OF REFERRAL: Citizen Complaint

METHOD OF REFERRAL: Referral from County Executive - "Contact Ed" E-mail

INITIATED: September 23, 2011

DATE OF REPORT: November 18, 2011

ALLEGATIONS

- 1) Complainant's neighbors (CMHA Property) are engaging in ongoing harassing behavior towards Complainant.
- 2) A County employee is actively participating in the harassing behavior and has used her position with the County to threaten the Complainant.

AUTHORITY

- Cuyahoga County Ethics Ordinance Article VII, Section 16(A):
 - *Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the Public interest.*
- Cuyahoga County Ethics Ordinance Article VII, Section 16(B):
 - *No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.*

COMPLAINT SUMMARY

Complainant initially submitted two complaints to the Cuyahoga County Executive's Office through the "Contact Ed" e-mail address on or about July 25, 2011:

Your employee is now actively participating in a hate crime. She has violated my civil rights. I have a very disturbing set of videos if you are interested.

Very disappointing that the bad behavior of the residents of 1372 [redacted] continues and not only are public employees enabling them, they are actively participating. The residents apparently have changed this into a racial hate crime which they vow will continue for as long as we live. I have video.

According to the Complainant, her neighbors (the "1372 Residents") have been engaged in an ongoing pattern of harassing behavior towards herself and her sister. The 1372 Residents reside in a home that is owned by the Cuyahoga Metropolitan Housing Authority ("CMHA") through a "scattered site" low income public housing program. This harassing behavior has been exacerbated by the alleged participation of a County employee named Tracie Washington ("Washington"). More specifically, the Complainant alleges that on June 2, 2011, Washington drove by Complainant's residence and yelled "you have a f***ing lot of trouble coming your way ma'am." Complainant was subsequently visited by Mental Health Services for Homeless Persons, Inc. on June 3, 2011. Complainant believes that Washington made the referral. Complainant also alleges that Washington was verbally abusive and used her position with the County to make threats on July 19, 2011.

BACKGROUND

The Department of Public Safety and Justice Services is a consolidation of various programs that are designed to provide for a safer community, ensure justice and support recovery for all citizens. Contained within the Department of Public Safety and Justice Services is the Office of Mediation, which provides the community an expedient and successful alternative to resolving disputes through highly effective mediation systems.

Washington was hired on June 5, 2006 as a Program Officer 2 with the Office of Mediation. Washington is currently employed as a "minimum time"¹ employee in the same position. Washington has received consistent average or above average ratings on performance appraisals. In 2009, however, Washington received a one (1) day suspension for failure of good behavior resulting from her improper taking of office petty cash ("water fund") for personal use.

¹ A "minimum time" employee is defined as an employee that works 19 hours or less per week.

INTERVIEW SUMMARIES

Complainant (w/Attorney) – 9/26/11

Complainant reiterated her initial complaint regarding her neighbors (1372 Residents) engaging in an ongoing pattern of harassing behavior towards herself and her sister. The harassment has included verbal threats, allegations of racism, throwing of garbage on Complainant's property, and the blocking of Complainant's driveway with vehicles. Complainant states that the harassing behavior began in approximately February of 2011. Prior to February, Complainant had no difficulties with the 1372 Residents. On or about May 28, 2011, Complainant contacted the Cleveland Police Department regarding the harassing behavior. In addition, because her neighbors' house is owned by CMHA, reports were filed with the CMHA Police Department on June 2 and 7, 2011. Complainant has also attempted to engage Councilman Matt Zone's office and the City of Cleveland Prosecutor's Office to resolve the harassment.

Complainant states that Washington is a family friend of the 1372 Residents and that she first encountered Washington at their residence on June 2, 2011. Washington and Complainant engaged in a verbal altercation during that first encounter. On the following day, the Mental Health Services for Homeless Persons, Inc. Mobile Crisis Unit arrived at Complainant's house because they received a referral indicating that Complainant was suicidal. Complainant alleges that Washington made the referral in an attempt to harass her.

On or about July 19, 2011, Complainant again encountered Washington outside of her home. In addition to being extremely profane during this altercation, Complainant alleges that Washington cited to her employment with the County in an attempt to threaten her. Complainant indicated that she had videotape of this incident.

Tracie Washington – 10/6/11

Washington acknowledged that she has known the 1372 Residents for approximately 24 years. Washington is friends with the mother and has known each of her daughters (7) since they were born. Washington indicates that she frequently visits the 1372 Residents on her way home from work. Upon being questioned regarding her relationship with the 1372 Residents, Washington responded "now I know why I'm here, because of that crazy neighbor." Upon further questioning, Washington identified Complainant as the "crazy neighbor". Washington states that Complainant previously got along with the 1372 Residents, but has been acting odd ever since her husband died last year. Washington admits that several of the daughters of the main resident at 1372 antagonize Complainant. Washington alleges, though, that she frequently advised the 1372 Residents to stop engaging with or bothering Complainant because of Complainant's erratic behavior.

Washington recalled that her first negative encounter with Complainant occurred this past summer. Washington alleges that Complainant's sister was taking pictures of Washington's car while it was parked in the 1372 driveway. Washington called the police (Cleveland) because of this incident, but the police indicated that taking pictures

of the car was not a crime. On a different visit to the 1372 Residents home, Washington observed Complainant acting odd, including cutting the grass in the rain. Because of what she observed, Washington contacted the Mobile Crisis Unit and informed them of Complainant's erratic behavior. Washington states that she later informed Complainant that she was the one that contacted Mobile Crisis.

Washington recalls having one "heated" encounter with Complainant this summer. During this exchange, Complainant allegedly made the statement "we know who you work for." In response to this statement, Washington states that she responded by stating "of course you do...It's no secret, I'm wearing my badge." At this point, Washington showed Complainant her County ID Badge. Complainant then allegedly stated "I know you're an officer of the court." Washington responded by stating that she was not an officer of the court, but rather that she "did mediations for the County." Washington admits that the conversation did get heated (cursing), but maintains that she did not improperly use her position with the County to threaten or intimidate Complainant. Washington denies any further contact with Complainant.

INVESTIGATIVE SUMMARY

Scope

Because the allegations of generalized harassment fall outside of the jurisdiction of the Agency of the Inspector General, this investigation focused on the issue of whether Washington improperly used her authority to intimidate Complainant.

Videotape Review

Complainant provided a DVD that was taken from a security camera located on her property. The camera is positioned to film activity that occurs on the driveway of the 1372 Resident's home. The DVD contains several files from different dates and times. The following is a summary of the relevant activity that can be deciphered from the videos.²

File - #0719110109

Washington can be observed in the driveway of 1372 West 64th Street pacing back and forth and she appears angry and confrontational. She can be heard saying the following:

01:07 - Washington is standing near a female in a white shirt and dark colored hat. She repeatedly looks and points at 1368 West 64th Street while making threats. "I'm going to call the police on [inaudible] crazy Bitch." Seconds later she adds "if it weren't for my job I'd punch that bitch in the face but I'll be sittin at my desk when she's fucked up and it won't be here. I found out where [inaudible] work [inaudible]. "I'll be at my desk...Record that! I'll be at my desk bitch."

² Some portions of the audio are inaudible because of poor sound quality and background noise. Such portions are noted with [inaudible] mark.

02:04 – *Washington continues:* “You already did it bitch. You fuckin with the wrong bitch. You fuckin with my sister you fuckin with me. So it’s on bitch.” *Washington then faces away from the camera and poms to her backside stating:* “I am going to wipe my ass with you all for fuckin with me.”

03:03 – *Washington continues:* “[*inaudible*] Fuckin swastika underneath her bed along with her mother fuckin robe [*inaudible*] Just mad cause [*inaudible*] white man [*inaudible*] get over it [*inaudible*].”

File - #0719112009

This clip starts with Washington standing near her vehicle in the 1372 Residents’ driveway. Washington proceeds to gets into a verbal altercation with a female standing in Complainant’s driveway. Washington could be heard making the following statements:

00:00 - “You want to take my picture and a picture of my car? I work for the county [*inaudible*] you up [*inaudible*] I work for the county [*inaudible*]. You’re crazy bitches. I [*inaudible*] have the county at your door. Know that [*inaudible*]. I know the law I work for the courts [*inaudible*] I do work for the courts [*inaudible*].” *Washington goes on to yell about the neighbor taking her picture without her permission. The name calling continues while Washington walks up and down the driveway taking pictures of her own.*

02:23 – *Washington continues:* “Just know this, I was the one that called mobile crisis about [*inaudible*] because you might have been grieving and that was the reason started acting crazy [*inaudible*].”

03:48 - *Washington continues:* “I know you are that’s why I called mobile crisis [*inaudible*] I’m not going to wait. I’ll have somebody down on her tomorrow. I got her license plate [*inaudible*].”

04:27 – *Washington continues:* “I’m not playin. Here is my badge. Here is who the hell I work for [*inaudible*] come and take a picture of this [*inaudible*]. See this if you know who I am. Take a picture of this [*inaudible*].” *During this exchange Washington took what appeared to be an holding an ID badge up for the camera to see. “I asked to talk to you [*inaudible*] I actually thought your crazy ass needed some love [*inaudible*] look how crazy you are I’m sending mobile crisis back over here. Something wrong with you and that crazy bitch in the house”*

05:50 - *Washington continues:* “I’m a county employee and I do know the law.”

06:35 – *Washington continues:* “Know who you fuckin with for real. You can talk that shit but know who you fuckin with for real. Cause I got my badge out [*inaudible*].”

File - #0719112027

Washington is again standing in the driveway of the 1372 Residents' driveway talking to someone on Complainant's property.

01:17 - Washington states: "I called mobile crisis on you crazies [*inaudible*]. Reached out and tried to help you [*inaudible*] because I'm a mediator and that's what I do."

File - #0719112052

This video has poor audio. The video clip is of police arriving and speaking with Complainant, Washington and others present.

The following files were reviewed but had no information relevant to this investigation: File #0710111917, File #0713112037, File #0715112343, File #071016110013 and File #0716110045

CONCLUSIONS & RECOMMENDATIONS

Allegation 1

Complainant's neighbors (CMHA Property) are engaging in ongoing harassing behavior towards Complainant.

As previously noted in this report, it is our opinion that this issue falls outside of the jurisdiction of the Agency of the Inspector General. First, CMHA is a wholly separate entity that is not under the jurisdiction of the County Executive. Second, the Agency of the Inspector General does not have general law enforcement powers in the County.

Despite this finding, the Agency of the Inspector General has made efforts to attempt to resolve this allegation. On October 13, 2011, the Inspector General met with CMHA Chief of Police, Andrés González, to discuss the allegations raised by Complainant. In addition, on November 14, 2011, the Inspector General met with Chief González and Complainant's attorney to further discuss these allegations. Based on these conversations, we are recommending that this report along with copies of relevant evidence be forwarded to Chief González for review.

Allegation 2

A County employee is actively participating in the harassing behavior and has used her position with the County to threaten the Complainant.

After careful review of the evidence collected in this investigation, it is our opinion that there is sufficient evidence to indicate that Washington violated the following provisions of the Cuyahoga County Ethics Ordinance:

- Article VII, Section 16(A): Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the Public interest.

- Article VII, Section 16(B): No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.

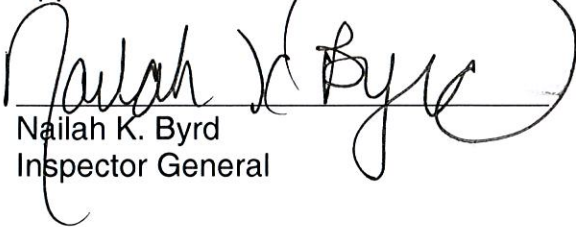
The videotape evidence clearly demonstrates that Washington knowingly cited to her position with the County in a manner that was designed to threaten Complainant. Such behavior clearly does not constitute "courtesy", "impartiality", "fairness" or "equality" in dealing with citizens. More importantly though, Washington knowingly attempted to wield the perceived authority associated with her position with the County to gain an advantage in her personal dispute with Complainant. This behavior clearly created an impermissible conflict of interest between Washington's private self-interest and the public interest. Finally, Washington's injection of her actual position with the County into this situation (e.g., "I'm a mediator") could create a perception (and in fact created a perception in Complainant's mind) that the County tacitly endorsed Washington's position.

For the reasons set forth above, we recommend that this report be referred to the County Executive with the recommendation that Washington receive disciplinary action commensurate with her actions and in light of her employment history with the County.


Matthew Hawes
Deputy Inspector General


Mark Cutright
Investigator

Approval as to conclusions and recommendations:


Nailah K. Byrd
Inspector General

11/22/11
Date