

From: [Simpson, Greg](#)
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Cc: [De La Garza, Henry](#)
Subject: CID
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Brent,

As I have related to you previously, HRD has experienced difficulty with CID in handling personnel issues. Two examples are below:

- The week of August 24, 2020, I was notified by both Lacey Mase and Missy Cary that in a meeting with First Assistant Jeff Mateer, Director Maxwell advised Mateer that CID had handled a complaint of discrimination made by Sgt. David Trachtenburg against his supervisor, Lt. Adam Sierra. During that meeting, Maxwell told Jeff that he had his own people handle the investigation into the complaint. Maxwell stated that he had not notified the Human Resources Division (HRD) of this complaint and HRD had played no role in resolving the complaint. Sgt. Trachtenburg's complaint was that Lt. Sierra had subjected him to harassing and offensive behavior based on Trachtenburg's religion. Trachtenburg is Jewish. Both Lacey and Missy told me that Mateer reminded Maxwell that complaints of discrimination should be handled by HRD. That same week Maxwell called me about this issue and told me that I could discuss this matter with Maj. Robert Sunley in CID, and that Sunley would supply me with the investigation report. Sunley sent me the report on August 27, 2020. This investigation documents a pattern of concerning comments/conduct by Sierra referencing Trachtenburg's religion that could be considered harassing, offensive, and inappropriate. Without any involvement from HRD, Sierra requested a transfer to MFCU and a demotion to Sergeant Investigator. HRD wasn't consulted on this action and I do not know what conversations occurred between Maxwell or other CID management and Sierra. It is well established agency policy that only HRD will handle complaints of illegal discrimination and conduct any related investigations. Per agency policy:

Upon receipt of any oral or written complaint concerning unwelcome conduct that could constitute harassment (including sexual harassment) or upon witnessing a situation involving potential harassment (including sexual harassment), a supervisor or manager must promptly notify the Director of Human Resources or designee. The supervisor or manager must also notify division management before or immediately after notifying the Director of Human Resources or designee. Division management must not formally or informally investigate allegations of harassment or sexual harassment without specific direction from the Director of Human Resources or Executive Administration.

Not notifying HRD of this complaint is a direct and clear violation of agency policy. HRD is staffed with three experienced employment attorneys who are well versed in conducting investigations and resolving such issues, and as attorneys are charged with protecting and defending the agency in those circumstances. It is vital that HRD be notified of such complaints as early as possible so that these complaints can be investigated promptly, complainants are treated equally and fairly, and the agency is protected. In my time as chief of HRD I do not recall another manager at any level conducting his or her own investigation

of a complaint of discrimination or harassment.

- I was contacted on January 27, 2020 by Director Maxwell to discuss performance problems with Veronica Segovia. She had been placed on investigative leave two weeks prior so that CID could investigate an allegation that she had mishandled evidence. Maxwell told me that he was going to meet with Segovia the next day to let her know that she had been cleared in the investigation, but that her performance is poor and the attorneys she supported were very unhappy. Maxwell told me that he wanted to return Segovia to Austin from her assignment in Houston. He said he would allow her up to one week (using her own leave) to get back to Austin. He said that once she returns from Houston that he wanted to discuss demoting her due to her poor performance, and he assured me that he had plenty of documentation when I asked.

On January 28, 2020, Maxwell met with Segovia “to discuss the findings of the investigation regarding [her] handling of evidence and [his] concerns about [her] work performance.” During the meeting, Maxwell explained the “severity and impact” of Segovia’s “work deficiencies as a law-enforcement officer commissioned by the Office of the Attorney General.” Maxwell advised Segovia that the OAG would no longer be able to hold her peace-officer commission, which would, in effect, remove her from her “Sergeant” classification since it requires such a commission. That change would constitute a demotion, and contradicts when he had told me the previous day. We had no discussion of removing her commission, rather, he simply said that once she had returned to Austin he wanted to talk to me about demoting Segovia because of her poor performance.

Maxwell extended to Segovia an offer to work in Austin in a “non-commissioned capacity” and gave her one week to consider the offer. If she accepted, she would need to both acknowledge acceptance and report to work in Austin by Wednesday, February 5, 2020. On February 3, 2020, Maxwell contacted Segovia via telephone and told her that since she had still not accepted the offer to transfer to Austin and “based on [her] lack of interest” in the position, he had decided to “rescind the offer of the position in Austin.” That was in effect a termination. He offered her the chance to resign and use a month and one day of her accrued leave, but she declined that offer.

Overall, HRD has had difficulty getting CID to work with us on matters that are appropriately and exclusively within HRD’s authority. Maxwell’s actions have exposed the agency to potential liability.