



# DEPUTY CHIEF RYAN KWITKIN INTERNAL INVESTIGATION

Follow-up to Allegations stemming from Chief Foley  
Investigation completed by Revolutionary HR  
Consultants

Review of the allegations from the Chief Foley Investigation and the timeframe  
surrounding that investigation led to 13 Allegations summarized with results.

Completed by Russ Martin, HR Manager, City of Sedona

## **INTRODUCTION**

On May 23<sup>rd</sup>, Deputy Chief Ryan Kwitkin was placed on paid suspension pending review of his conduct leading up to that date. The executive summary of the Sedona Police Chief investigation and its conclusion were given to DC Kwitkin at 10:30 that morning. The following events have led to the report below of allegations initially discovered in the final report from Revolutionary HR, the independent consultant who completed the investigation into the complaints raised by DC Kwitkin. Additional allegations were deemed necessary based on interactions and interviews completed during the investigation by Revolutionary HR and the subsequent interviews with witnesses of DC Kwitkin's conduct.

DC Kwitkin has twice refused to be interviewed after being ordered by the City. He has stated, as shown in an attachment to this report, that he believes he should have received interviews (transcripts or audio) generated during and as part of the investigation prior to beginning his interview. Simply these were NOT provided as they would have compromised the ability to obtain an unbiased and objective response to questions during the interview. I am completing this report, and the findings are based on the information available.

## **ALLEGATIONS**

The following were alleged and presented as a final revised Notice of Investigation on June 12, 2024, by email and acknowledged by DC Kwitkin with signed copy sent by DC Kwitkin by email on June 14, 2024:

*Allegations against you include unprofessional conduct while in uniform, aggressive conduct toward other staff and volunteers as well as violation of the notice of investigation and admonishments given prior to and during the Police Chief investigation. Allegations also include personal use of department assets and disclosing confidential information violating departmental and city policies governing your position as a Deputy Chief. Pursuant to Policy Department Policy 26.5 and 26.5.1 employees are subject to disciplinary action for misconduct, including violations of policy and performance standards. If further details or allegations may be found during the investigation, they will be added to the details of this notice.*

## ALLEGATION 1 - SUSTAINED

*In October 2023 DC Kwitkin acted aggressively during a call for service at a Police Department Volunteer's home. (C Gandolfo) as well as in November 2023 DC Kwitkin acted aggressively to a Police Department Volunteer during a meeting of the Tech Core Committee regarding the vehicle keyboard. (R Siddoway)*

### Policies Associated for Allegation 1

- **(City Employee Manual (EM)) Section 413 – DISMISSAL**  
*B. The tenure of every classified employee in the City service shall be contingent upon acceptable conduct and satisfactory performance of duties. Any of the following may constitute grounds for dismissal or other discipline of a classified employee:*
  - 3. *That the employee has been abusive in his or her attitude, language, behavior or conduct toward a fellow employee, a supervisor, or the public, or that his or her action has posed a risk of or has resulted in physical harm, injury, or fear of same to such persons.*
  - 20. *That the employee has caused discord or conflict in the workplace.*
- **(EM) Section 602– ETHICS STATEMENT**  
*A. It is of the highest importance that citizens and visitors have complete confidence in the integrity of their public servants.*  
*B. All employees are responsible to ensure their behavior and activity is consistent with the City's policies and procedures and applicable federal, state, and local laws and regulations.*
- **(PD Policy Manual (PM)) Sect. 1.2 Law Enforcement Code of Ethics, Chapter 26, Sect. 26.1.2 Expected Conduct Toward the Public.**  
*A. All persons are entitled to courteous and respectful consideration and must be given every assistance that may be proper under the rules of this Department.*  
*Employees shall not physically or verbally mistreat or abuse any person.*

### FINDING REASONING – ALLEGATION 1:

DC Kwitkin, after discussions with Volunteer Sidoway during the ongoing investigation into the Police Chief and follow up interview with Volunteer Gandolfo, demonstrated unprofessional behavior in both incidents.

DC Kwitkin was both aggressive and physically imposing during a disagreement with Volunteer Sidoway over how to process and track key check outs for actions volunteers take to assist the department. Based on the information I received the aggressive tone and physical movements from the point of view of the volunteers that demonstrate a disregard for their personal space and significantly violate policies in both the employee

manual and police manual as cited. Both the discussion with Sidoway and Gandolfo confirmed these aggressive and dismissive behaviors of volunteers and as citizens.

This, among a couple of other allegations, was part of the basis to separate DC Kwitkin from the offices while this investigation was ongoing to avoid potential liability for the City.

## ALLEGATION 2 - SUSTAINED

*In January 2024, DC Kwitkin made a request for the K-9 Officer to use the dog to search his home, for personal use, because he suspected that his adult child had drugs on the premise.*

### Policies Associated for Allegation 2

- **(EM) Section 602– ETHICS STATEMENT**
  - A. It is of the highest importance that citizens and visitors have complete confidence in the integrity of their public servants.*
  - B. All employees are responsible to ensure their behavior and activity is consistent with the City’s policies and procedures and applicable federal, state, and local laws and regulations.*
  
- **(PM) Section 26.1.8 Abuse of Authority**
  - Employees shall not abuse their authority...
  
- **(PM) Section 26.1.19 Prohibited Uses of Property**
  - B. City owned property, evidence, abandoned and found property, property maintained for safekeeping, and any other property received by an employee shall not be used, utilized, converted, copied, distributed, etc., for personal use by any employee or by any other person with an employee’s knowledge or assistance, except as provided in these General Orders. Any property coming into the possession of an employee shall be handled in accordance with established procedures.
  
- **(PM) Section 26.1.9 Gifts, Gratuities, Fees, Rewards, Loans, Etc. Prohibited**
  - Except as may be specifically authorized by the Police Chief, employees shall not:
    1. Accept or solicit, directly or indirectly, any gift, gratuity, loan, service, fee, off-duty work or secondary work or discount (including discounted or free rent) where there is a direct or indirect connection with their Department employment,
  
- **(PM) Section 41.27.4 Deployment of the Service Dog**

### **FINDING REASONING – ALLEGATION 2:**

On March 22<sup>nd</sup> and subsequently over a few following conversations with Officer Beers I received communication that officers were being contacted about the investigation by Deputy Chief and Sergeant Leon regarding the nature of the investigation into the Police Chief. During the process of asking what that communication looked like to determine whether a violation of the NOI was taking place in conversations following I was told about the K-9 incident. The K-9 officer was called to address a private domestic situation

by DC Kwitkin. The K-9 officer reminded DC Kwitkin of the restrictions of such use, but DC Kwitkin persistently requested the officer and K-9 come to his home. The officer did NOT go as it would have been something she could not just avoid paperwork or possible criminal results.

This is sustained as it is a violation of the ethical responsibility employees have to ensure they follow proper policies and procedures, but more importantly do not ask of city resources that additionally could have violated the law. This was an abuse of authority by making the call to begin with given the extensive knowledge and experience that DC Kwitkin has understanding this and requesting a subordinate fulfil his request that would have been considered a “gift” of city resources for personal use. This is also a clear violation of the deployment policy for the service animal.

## ALLEGATION 3 - SUSTAINED

*In February 2024 DC Kwitkin made a female officer uncomfortable during a meeting with her in the Report Writing Room, when he locked the door and blocked egress from the room.*

### *Policies Associated for Allegation 3*

- **(EM) Section 608 – Policy Against Harassment and Bullying**
- **(PM)Section 26.6.2 Harassment-Free Work Environment**  
*All employees will be provided a work environment free from harassment.*
- **(PM)Section 26.6.9 Department Employees**  
*All personnel of the Department, including unpaid volunteers, are responsible for creating and maintaining a professional working environment free from harassment and discrimination.*

### **FINDING REASONING – ALLEGATION 3:**

In February 2024 it has been confirmed that DC Kwitkin did meet with the officer and did lock the door behind him. It has also been confirmed that this was an uncomfortable situation for the officer. Locking the door in this situation constitutes harassment and bullying aspects. I was unable to get further confirmation, especially as to the reasoning behind the conversation from DC Kwitkin's point of view as he refused an interview. I will take the position that these elements existed from the concerns of the investigator and the information received during my interview with the officer to sustain this allegation as this does not constitute a professional working environment free from harassment.

## ALLEGATION 4 – SUSTAINED

*In March 2024 DC Kwitkin disclosed confidential information about the 2023 Lieutenant search and selection in the presence of Leon.*

### *Policies Associated for Allegation 4*

- **(EM) Section 413 – Dismissal**
  - 20. That the employee has caused discord or conflict in the workplace.*
  
- **(PM) Section 26.1.3 Security and Confidentiality of Department Business**
  - A. Employees shall consider the operations, official business and records or files of the Department to be confidential. Such information shall be released only in accordance with Department procedure and then only by persons authorized to make such releases.*

### **FINDING REASONING – ALLEGATION 4:**

In my interview with Sgt. Leon, it was confirmed that the first time she was aware of her results of the Lieutenant selection process was when DC Kwitkin disclosed the information and incorrectly insinuated that Sgt. Leon was the most qualified candidate. However, this information may have been able to be obtained if the sergeant was interested in the results, to the extent that that information would have been given is still questionable, so I am not sustaining this allegation as to PM Section 26.1.3 because of the potential that similar information may be possibly acquired through other means/individuals at any other time.

This information did cause conflict following in the workplace in violation of the policy. Further, DC Kwitkin was incorrect that Sgt. Leon was the most qualified candidate even though he was on the selection panel. Documents from the selection process confirm that while Sgt. Leon performed strongly in some areas of review, she was not the leading candidate. Thus, this allegation is sustained as to EM Section 413, as there was no other purpose to make an incorrect statement about the Lieutenant selection to Sgt. Leon except to cause discord and conflict in the workplace.

Fortunately, after being provided with the results of the selection process, Sgt. Leon stated that she does NOT have continued animosity towards the Chief for this process any longer as stated by her directly, no longer creating further continued conflict.



## ALLEGATION 5 – NOT SUSTAINED

*In March 2024 DC Kwitkin recruited Leon and O'Connor to file complaints against Foley and attempted to leverage Leon's 2022 IA as cover for his allegations against Foley.*

### *Policies Associated for Allegation 5*

#### **(EM) Section 413 – Dismissal**

*20. That the employee has caused discord or conflict in the workplace.*

### **FINDING REASONING – ALLEGATION 5:**

In the interviews both Sgt. Leon and EA O'Connor both stated they had previous issues with the Chief and would have liked those issues addressed outside of what DC Kwitkin brought as allegations. It is important to note that when the results were given to the three complainants together on May 23<sup>rd</sup>, DC Kwitkin stated, "I am sorry I brought you both into this...this is all on me" clearly admitting that he did connect with the other complainants at some level in this investigation, however I was unable to clearly identify when this occurred at to the level of using their concerns to leverage their individual concerns as cover for his allegations.

I interviewed those currently employed by the City as officers that were on all lists DC Kwitkin provided to determine whether he was "recruiting", it appears that from my interviews that did not happen even with those he suggested needed to be interviewed I do not find the allegation of recruitment to be sustained.

## ALLEGATION 6 - SUSTAINED

*In March-May 2024 DC Kwitkin continued to discuss the Police Chief investigation with Leon and O'Connor as well as others after it was filed and after being instructed not to discuss the investigation.*

### Policies Associated for Allegation 6

- **Notice of Investigation Rules of Procedure**
- **(PM) Section 52.1.7 Administrative Interviews with Department Personnel and Section 26.6.10 Confidentiality Required**

All matters pertaining to EEO complaints and investigations are confidential. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels. Information concerning such issues will be disseminated on a need-to-know basis only.

### **FINDING REASONING – ALLEGATION 6:**

In interviews Sgt. Leon and O'Connor state that they continued conversations with DC Kwitkin about the Police Chief investigation at his initiation. Sgt. Leon discusses how he would often call at night to rant about the investigation and next steps to a significant level of expressed frustration. This was clearly prohibited under the NOI rules. This allegation is sustained.

## ALLEGATION 7- SUSTAINED

*In March/April/May 2024 DC Kwitkin while the investigation was ongoing and after NOI and repeated warnings discussed investigation and possible outcomes with police staff subordinates creating a hostile environment within the office environment for staff.*

### Policies Associated for Allegation 7

- **Notice of Investigation Rules of Procedure**
- **(EM) Section 608 – Policy Against Harassment and Bullying**
- **(PM)Section 26.6.2 Harassment-Free Work Environment**  
*All employees will be provided a work environment free from harassment.*
- **(PM)Section 26.6.9 Department Employees**  
*All personnel of the Department, including unpaid volunteers, are responsible for creating and maintaining a professional working environment free from harassment and discrimination.*
- **(PM) Section 52.1.7 Administrative Interviews with Department Personnel and Section 26.6.10 Confidentiality Required**  
*All matters pertaining to EEO complaints and investigations are confidential. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels. Information concerning such issues will be disseminated on a need-to-know basis only.*

### **FINDING REASONING – ALLEGATION 7:**

In my interviews with the complete list given by DC Kwitkin for the Chief investigation with hopes to determine objectively this specific allegation and found that almost all of the interviewees stated that DC Kwitkin regularly and openly discussed the future of the department during the investigation with numerous staff. He suggested “things will be different, things will get better” when the investigation was over and overtly promised equipment and training changes that would be coming. The staff did NOT state that they believed that these discussions that took place/recalled violated the NOI as they heard instead that he was promoting what could occur and were not directly discussing the allegations.

However, I listened to those statements that were made by the interviewees with clear intent to create conflicted feelings and to possibly influence staff who may be called. If his list was completely interviewed, he appears to try and set up positive feedback about his leadership and the potential for a change in leadership that was exactly at stake in the Chief investigation. This is specifically prohibited in the NOI provided DC Kwitkin as well, not as clear to all the staff interviewed, however was pervasive throughout the answers to

the question of whether he had intentionally created an atmosphere abnormal to keeping investigation discussions out of the office.

Again unfortunately, I was unable to confirm the types of statements made or counter information from DC Kwitkin because of his refusal to interview, based on the number of similar statements made by several different witnesses the allegation is sustained.

## ALLEGATION 8- NOT SUSTAINED

*April 2024 DC Kwitkin acted unprofessionally in front of members of the public, at the high school, regarding a personal matter while in his uniform.*

### *Policies Associated for Allegation 8*

- **(PM) Section 26.1.1 General Standards of Expected Conduct**  
*Employees shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All employees shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves. Employees shall treat each other and all persons with whom they have contact with respect and courtesy.*
- **(PM) Prohibited On-Duty Conduct**  
*Employees are prohibited from engaging in any unauthorized activity, action, or conduct that detracts from their obligations and responsibilities while on duty.*
- **(EM) Section 413 – Dismissal**  
*19. That the employee has engaged in conduct, either on or off duty, which would bring discredit to the City or which would negatively affect his or her on-the-job performance.*

### **FINDING REASONING – ALLEGATION 8:**

I was notified of this incident and immediately discussed this with the SRO involved. He was not concerned about any action DC Kwitkin took during his interactions at the school or following and understood it to be a concerned father. I spoke with the principal of the High School and he too confirmed that same sentiment and said the child also was treated equally/similarly to others, without regard to DC Kwitkin's position in the Police Department. Both pointed out that Kwitkin repeatedly stated that he was in the role of father Ryan Kwitkin and not Deputy Chief. After reviewing the camera footage this seems confirmed that although agitated, it was within reasonable and justifiable reactions to the situation he was in and did not violate the policies of the city.

## ALLEGATION 9 - SUSTAINED

*May 2024 DC Kwitkin acted unprofessionally and was insubordinate during the delivery of the Notice of Investigation (NOI) including failure to immediately provide the passcode to his City cell phone device and refusing to fully complete the NOI by as directed by the HR Manager.*

### Policies Associated for Allegation 9

- **(EM) Section 413 – Dismissal**
  - 4. *That the employee has been insubordinate, disobedient, or has failed to obey any reasonable direction from a supervisor.*
  
- **(PM) 26.2.2 Work Areas and Vehicles**
  - B. *A work area may be monitored or searched for any legitimate business purpose, including the operational efficiency of the Department. An administrative investigation of an allegation of a violation of City or Department rules and policies is considered a legitimate business purpose.*

### **FINDING REASONING – ALLEGATION 9:**

Concern was expressed prior to placing DC Kwitkin on leave to begin this investigation that his reaction could be aggressive given the nature of previous complaints including the allegations above that suggest he was willing to be aggressive and persistent in his refusal to accept challenges. This was demonstrated through the report that came from the Cottonwood Police Department Acting Police Chief and Lieutenant who assisted the City in attempting to limit disruption.

Unfortunately, DC Kwitkin immediately stood up once he read the executive summary in the room and continued once we left the room to review the NOI which was given initially. I was joined by the Cottonwood officers in my office and asked DC Kwitkin to review the NOI with me and I would answer any questions. He generally responded negatively, including the interaction in an attempt to keep his weapon on him. The officers were able to remove it with the understanding he would get it back after this was completed. To say the least, a very intense moment.

Following was a series of events where he ultimately refused to sign, then finally agreed to sign, but then refused to initial the NOI requirements and each page, without his attorney. Also, when DC Kwitkin was directed to provide the city cell phone and passcode to the city cell phone. Instead, he gave the phone and refused to provide the code to access the phone. The code was received via text a couple hours later. I have experienced these circumstances before, and this was beyond normal behavior and clearly violated direct requests to follow the protocols and direction for his and others safety. As a result of his behavior, I did have to repeat a few times the information that was contained in the NOI.

## ALLEGATION 10 - SUSTAINED

*February-May 2024 DC Kwitkin failed to improve his communication, leadership, and teamwork roles and responsibilities during the initial extension of his probation. DC Kwitkin failed to provide a written memorandum outlining his training to the Chief.*

### *Policies Associated for Allegation 10*

- **(EM) Section 413 – Dismissal**

*4. That the employee has been insubordinate, disobedient, or has failed to obey any reasonable direction from a supervisor.*

### **FINDING REASONING – ALLEGATION 10:**

I have been unable to access any documentation besides my direct conversations with a third party that was acquired to assist DC Kwitkin in potentially remedying issues lined out in his extension of probation. Despite negative feedback on a 360 evaluation and the probation extension providing time to improve communication skills, DC Kwitkin provided no documentation demonstrating understanding of the issues or what he would be doing to correct going forward, both normal and stated expectations of probationary extensions. DC Kwitkin also failed to provide written notification outlining his training to the City. This allegation is sustained.

## ALLEGATION 11 – PARTIALLY SUSTAINED

May 2024 DC Kwitkin was unprofessional in completing assignments and in his FY 24 Annual Review by:

1. Stating he completed his work with minimal assistance as he regularly provided his work to other employees, including his spouse, a non-PD City employee.
2. Claimed feedback from co-workers and all members of the department was positive when 360 eval and his interactions in meetings showed otherwise.
3. Incorrectly handled Awards Committee Process and employee appreciation.
4. Attack his superior's conduct and the Department in his performance review.

### Policies Associated for Allegation 11

- **(PM) Section 26.1.1 General Standards of Expected Conduct**  
*Employees shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All employees shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves. Employees shall treat each other and all persons with whom they have contact with respect and courtesy.*
- **(PM) Section 26.1.3 Security and Confidentiality of Department Business**  
*A. Employees shall consider the operations, official business and records or files of the Department to be confidential. Such information shall be released only in accordance with Department procedure and then only by persons authorized to make such releases.*
- **(PM) Section 26.1.23 Completion of Assignments**  
*Employees are expected to thoroughly and professionally complete any and all assignments, duties, or tasks for which they are responsible.*

### **FINDING REASONING – ALLEGATION 11:**

In his employee self-evaluation DC Kwitkin fails to recognize issues addressed in the probationary extension and 360 evaluations. By continuing to not address the negative feedback demonstrates he is unable to take constructive feedback and thoroughly and professionally conduct tasks under supervisor direction. DC Kwitkin directly responded to negative employment consequences with disrespect and lack of courtesy to his coworkers and supervisor.

Work delegated to his spouse working in a different capacity, although this should have been cleared by the supervisors, a policy violation for potential unauthorized information could not be established.



For example, this is the case for the Awards Committee where the Police Chief's direction to DC Kwitkin was to not use other staff to accomplish tasks as the awards were for the staff and asking them for assistance was counter to the purposes of the awards process. DC Kwitkin assigned staff anyway, disregarding the direction he was given creating disruption during the event that was to showcase employee appreciation. I was unable to establish if DC Kwitkin understood this direction prior to the event as he was unavailable to interview.

Normal reviews and feedback given during the probationary evaluation process are not always positive. In the 6-month evaluation, although generally positive further evaluation took place and unfortunately DC Kwitkin appears following this initial review to not be able to take constructive critique intended to make him better suited to continue employment. He directly attacks his direct supervisor, the Chief, through a series of allegations in his self-evaluation that have since been independently reviewed and determined to be unfounded. The appropriate time to address concern with a direct supervisor's actions is either in one-on-one discussions or during the supervisor's 360 evaluation.

Partially sustained as the allegations as stated occurred and without further evidence from DC Kwitkin counter to the evidence provided, these are sustainable. However, to the level of violation of the policies I only see items 2 and 4 in this allegation as violations of the policies above resulting in partial sustaining.

## ALLEGATION 12 –SUSTAINED

*June 2024 DC Kwitkin while on administrative leave obtained outside City employment without permission from his supervisors or HR.*

### *Policies Associated for Allegation 12*

- **(EM) Section 413 – Dismissal**  
*That the employee has violated guidelines governing outside employment.*
- **(PM) 22.11.4 Additional Limitations**
  - A. *Generally, off-duty work will not be permitted outside the City limits, unless approved through the chain of command.*
  - B. *Off-duty work shall never occur while an officer is on-duty.*
- **(PM) 26.1.38 Outside Employment and Business Interests (non-law enforcement)**
  - C. *The employee shall fill out the City’s Outside Employee Request form and submit the form through the chain of command. Also see POLICY 22.12 for more information.*

### **FINDING REASONING – ALLEGATION 12:**

A witness was interviewed that confirmed DC Kwitkin took a second job as a dealer trades driver for Oxendale Dodge in Cottonwood after being placed on administrative leave with pay.

## ALLEGATION 13 – SUSTAINED

*In June 2024 DC Kwitkin, while on administrative leave, was unwilling to interview as a requirement of his signature on the NOI, attached, additionally did not provide communication as required by that same signed NOI.*

### Policies Associated for Allegation 13

- **Notice of Investigation Rules of Procedure**
- **(EM) Section 413 – Dismissal**
  - 5. *That the employee has been insubordinate, disobedient, or has failed to obey any reasonable direction from a supervisor.*

### **FINDING REASONING – ALLEGATION 13:**

After initially agreeing to the scheduled interview, DC Kwitkin refused by email, received one hour in advance, to attend. He also refused to provide any communication as required by that same NOI.

## REPORT SUMMARY:

This investigation is complete with 14 interviews and the summary/findings included in each allegation. There were 13 allegations reviewed of which 10 allegations were sustained, 1 partially sustained, 2 were not sustained.