



Doña Ana County Sheriff's Department

Enrique Kiki Vigil, Sheriff

January 25, 2018

Mr. Ken Roberts
845 N. Motel Blvd.
Las Cruces, NM 88007

Re: Notice of Disciplinary Action

Dear Mr. Roberts:

On November 23, 2017, as Sheriff, I placed you on administrative leave upon being informed of allegations of misconduct, including, but not limited to, sexual harassment. These allegations were made by two (2) female employees in separate incidents. As a result thereof, I requested that this be investigated by an outside agency or independent private investigation agency specializing in internal affairs matters.

Specifically, on June 9, 2017 between the hours of 1:00 p.m. and 2:00 p.m. you entered the office of [REDACTED]. You closed the door and proceeded to sit on her lap, shook your buttocks and told her you always wanted to try this and left her office. The complainant claimed that after this incident, you treated her very nice and told her that if she needed something, all she needs to do is ask. Your interview conducted on November 14, 2017 by Mr. Mark Hernandez, Investigator for Universal Investigations included Garrity warnings (NM Police Officer's Bill of Rights). You admitted to the investigator that you did not recall or remember this incident. However, you told the investigator that if this happened that the complainant would not have any reason to lie. Based on this testimony, the investigator determined that these allegations against you were sustained.

The other allegations lodged by [REDACTED] were not substantiated as being sexual harassment, however, I find that your interactions with [REDACTED] that gave rise to her complaints, were inappropriate and unprofessional given your position within the department. These type of conduct will not be tolerated in the future.

While not specifically applicable to you, the Doña Ana County Human Resource Policy and Procedures, Article II, 2.2. D.1. a-Discrimination/Sexual Harassment define sexual harassment as follows:

“Sexual harassment includes, but is not limited to: requests for sexual favors; unwelcome sexual advances and other non-verbal, verbal or physical conduct of a sexual nature that creates a hostile environment for persons of either gender; sex-oriented verbal kidding, teasing, jokes, comments, display of sexually suggestive objects or pictures; physical contact such as hugging, patting, or brushing up against another's body. Prohibited harassment also

includes unwelcome conduct that is because of gender even if it is not sexual in nature (e.g., degrading or offensive comments about women).”

Article VI, 6.4.A.7-Standards of Conduct also provides:

“Disorderly Conduct: Interference with others in the performance of their position, horseplay or unprofessional conduct resulting in disruption to others. Conduct that interferes with the efficient operation of the county.”

As the Undersheriff for the Office of Sheriff of Doña Ana County, you are held to the highest standards and the expectations of your personal conduct on and off duty are both critical and paramount. You must be professional and ethical at all times. I recognize the value of your service to Doña Ana County and this office, however, this type of conduct will not be tolerated.

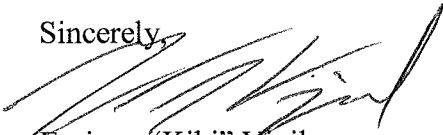
In accordance with County Policies and Procedures, I am hereby giving you notice of the following disciplinary and corrective action:

1. You will continue to serve as Under-Sheriff and will continue to report directly to me.
2. You will be suspended without pay for ten (10) working days that will commence on January 29, 2018 and continue until February 9, 2018.
3. Your office will be relocated to the Training Academy Facilities effective January 27, 2018. Accordingly, you will need to vacate your office immediately.
4. You will be required to attend mandatory sexual harassment, code of conduct and positive communication skills and diversity sensitivity training that I will identify. You will be relieved of any supervisory duties until such time as this training is completed. All persons who were previously reporting to you will report directly to me or such other person as I shall designate.
5. During the time period that you are relieved of supervisory duties you will continue to assist me with the administrative operations of the department in making budget purchasing recommendations, staffing recommendations, preparing department policies, etc., however, implementation of these items will be done by me or through such persons as I may designate. Once the training outlined above is completed we will re-evaluate any supervisory duties.
6. You are not to discuss this matter with or have any form of contact with the employees that filed complaints against you. If any information is needed from these employees for you to perform your other duties you will make the request to me and I will obtain the required information for you. There is no exception to this limitation.
7. You are to write a letter of apology to [REDACTED] and [REDACTED] apologizing to them for your behaviors toward them. These letters shall be submitted to me and I will forward them to the recipients.

You are reminded that the law prohibit retaliating against an individual who files a complaint alleging discrimination or sexual harassment. I will not tolerated any retaliation relating to this matter.

This decision is final and there is no process for appeal.

Sincerely,



1/25/18

Enrique "Kiki" Vigil
Sheriff, Doña Ana County

I acknowledge receipt of this Notice of Disciplinary Action and acknowledge, accept and will comply with the conditions set forth herein.



Ken Roberts

1-25-18

Date