

FINDINGS OF FACT
REGARDING THE DISCIPLINE HEARING OF
OFFICER BRETT BROWAND
BY THE AUBURN BOARD OF WORKS AND PUBLIC SAFETY
OCTOBER 22, 2009

On October 19, 2009, the Auburn Board of Works and Public Safety met in a special meeting regarding the discipline matter and recommended termination of Officer Brett L. Browand. Brett L. Browand has most recently served as a corporal with the Auburn Police Department. The Board met in an open session to receive evidence regarding the discipline hearing associated with Officer Browand in accordance with I.C. 36-8-3 et al. Present for the hearing were Board Members, Norman Yoder, Jack Randinelli, and Danny McAfee. Clerk-Treasurer, Patricia Miller was present. City Attorney, W. Erik Weber was present. Representing the Auburn Police Department were Police Chief, Martin D. McCoy and legal counsel Daniel J. Sigler of Columbia City, Indiana. Representing Officer Browand at said hearing were Officer Brett L. Browand and his attorney, Andrew Duncan of Indianapolis, Indiana.

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The hearing was called to order and the procedure for the hearing was adopted unanimously by the Board. Thereafter, evidence was received in the form of testimony and documentary evidence from both the Auburn Police Department and Officer Brett L. Browand.

Upon the hearing being concluded, the Board retired to executive session to develop proposed findings regarding this matter. No final action was taken in executive session.

Wherefore, the Board of Works and Public Safety, now hereby in open session, this 22nd day of October, 2009, makes the following findings of fact with regard to the discipline hearing of Officer Brett L. Browand in accordance with I.C. 36-8-3 et al:

1. On September 8, 2009, Police Chief Martin D. McCoy presented a recommendation to terminate the employment of Officer Brett L. Broward with the Auburn Police Department in accordance with I.C. 36-8-3 et al.
2. Specifically, Officer Brett L. Broward was charged with the following:
 - a. Actively and knowingly initiating a physical relationship with XXX while on duty as an Auburn Police Officer in full uniform and operating a fully-marked police vehicle. This event also occurred on property owned and operated by the City of Auburn. It should be noted that the individual who had engaged in the physical sexual relationship with Officer Broward was a female who was a former intern with the Department's Pathfinder Program. The Pathfinder Program is a program that exposes individuals, many who are in their mid to late teens, to police work. They are supervised by Auburn Police Officers and under their care and control while in the program.
 - b. The applicable policy standard that was violated in this matter was the Standard Operating Procedure, General Order 1.2, Standards of Conduct, specifically Sections A(1)(a) obedience to laws, regulations and orders, and A(2)(a) conduct unbecoming an officer.
3. On September 10, 2009, the Auburn Board of Public Works and Safety preliminary accepted the recommendation of Police Chief Martin D. McCoy subject to the appeal provisions and hearing provisions set forth in I.C. 36-8-3 et al.
4. On September 11, 2009, the Auburn Board of Public Works and Safety gave notice to Officer Brett L. Broward of their preliminary acceptance and his right to challenge the proposed termination within five (5) days of receiving said notice. Indiana Code

states that before a final decision can be made on a termination and/or dismissal of an officer, that officer has a right to a hearing.

5. Preliminary, Officer Brett L. Browand was placed on paid suspension. He remains on paid suspension to date.
6. Officer Brett L. Browand did exercise his right to a hearing before the full Safety Board and on September 18, 2009, a notice of hearing before the Auburn Board of Works and Public Safety was delivered to Officer Browand setting forth the specific charges against him as an officer and in addition, informing him that before he could be dismissed, the Safety Board would in fact offer an opportunity for a hearing.
7. Written notice was given to Officer Browand at least fourteen (14) days before the hearing date, which was set for October 5, 2009, at 6:00 p.m.
8. Furthermore, the hearing was set within thirty (30) days after the hearing was requested by Officer Browand.
9. Officer Browand was informed of the specific conduct that comprised the charges. He was also informed that he was entitled to be represented by counsel, entitled to call and cross-examine witnesses, entitled to require the production of evidence, and entitled to have subpoenas issued and served in the county where the unit, the City of Auburn, Indiana, is located.
10. By agreement the parties moved the hearing date to October 19, 2009, at 6:00 p.m.
11. The Auburn Police Department and the officer stipulated to the facts that gave rise to the discipline. Therefore, officer Browand admitted in this matter all the relevant facts that lead to the recommendation for termination as referenced herein.

12. The Board hereby notes that specifically, Officer Brett L. Browand actively and knowingly engaged in a physical sexual relationship with a member of the Pathfinder Program while he was on duty as an Auburn Police Officer, in full uniform and operating a fully-marked police vehicle. Furthermore, this event occurred while Officer Browand was located on property owned and operated by the City of Auburn.
13. The parties hereby agree that this violates Standard Operating Procedure, General Order 1.2, Standards of Conduct, specifically Sections A(1)(a) obedience to laws, regulations and orders, and A(2)(a) conduct unbecoming an officer. Said procedures and general orders are hereby incorporated by reference and to these findings.
14. Auburn Police Chief Martin D. McCoy presented evidence of the discipline history of Officer Browand. That history included another sexual contact with the Pathfinder member while he was off duty. Specifically, Officer Browand and the Pathfinder member had engaged in sexual intercourse.
15. Officer Browand had several individuals who spoke on his behalf as to his good moral character and his excellent abilities as a police officer.
16. Officer Browand has not had a significant amount of discipline referrals over the years and, prior to the incidents that are referenced herein, his discipline record was unremarkable.
17. Officer Browand has taken and passed several types of certifications as a police officer and has received, for the most part, high reviews by his superior officers while employed by the Auburn Police Department.
18. In addition, several other individuals spoke on behalf of Officer Browand and requested leniency stating that the acts of Officer Browand have been out-of-

character and have been acts that they believe he would not repeat again in the future if given a second chance.

19. Browand is active in the community and involved in several special operations associated with law enforcement, which are very commendable.
20. Despite the accolades and testimony in favor of Officer Browand, the Auburn Board of Works and Public Safety is compelled to uphold the recommendation of termination and hereby terminates Officer Brett L. Browand.
21. The conduct admitted in this matter is of such serious and egregious matter, that it warrants termination. Furthermore, Officer Brett L. Browand did not disclose all the details of his relationship with the complainant, M.B., when previously interviewed about indiscretions. It was not until he was turned in and confronted with the issue of having sexual contact with M.B. while on duty that he then, and only then, admitted his full involvement with the Complainant. The conduct and evidence in this case runs contrary to that which would be termed as coming clean and being completely truthful regarding the matter. I
22. In whole, the conduct is that which is unbecoming of an officer and the Board hereby finds that the most appropriate sanction is that of termination.
23. Officer Browand is found by this Board to be guilty of conduct unbecoming an officer as defined by I.C. 36-8-3-4 et al, and found to have actively and knowingly engaged physical relationship with M.B. while on duty as an Auburn Police Officer in full uniform and operating a fully-marked police vehicle. This event also occurred on property owned and operated by the City of Auburn. The applicable policy standard that was violated in this matter was the Standard Operating Procedure, General Order

1.2, Standards of Conduct, specifically Sections A(1)(a) obedience to laws, regulations and orders, and A(2)(a) conduct unbecoming an officer.

Wherefore, the Auburn Board of Works and Public Safety hereby upholds the recommendation of Auburn Police Chief Martin D. McCoy and upon conclusion of said discipline hearing, under I.C. 36-8-3 et al., now hereby terminates Officer Brett L. Browand from employment with the Auburn Police Department effective immediately. The Chief of Police is hereby directed to immediately retrieve any and all Auburn Police Department issued equipment, to deactivate any access codes in the possession of said Officer, and to remove access of said Officer from any and all computer files and/or other electronic equipment owned by the City of Auburn, Indiana.

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The Board further directs the Clerk-Treasurer to immediately discontinue any further payment and to provide any appropriate notices to Brett L. Browand as it relates to insurance coverage, pension matters and any other similar administrative issues that may exist

SO FOUND AND ADJUDGED THIS 22nd DAY OF OCTOBER, 2009.

CITY OF AUBURN BOARD OF WORKS AND PUBLIC SAFETY

NORMAN YODER, Member

DANNY D. MCAFEE, Member

JACK RANDINELLI, Member

ATTEST:

Patricia Miller, Clerk-Treasurer

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CERTIFICATE OF SERVICE

The undersigned Board hereby certifies that a signed duplicate copy of these Findings of Fact has been presented in open hearing this 22nd day of October, 2009, and adopted in open hearing. Furthermore, these findings upholding and terminating Brett L. Browand from employment have been personally delivered to Brett L. Browand by the Auburn Chief of Police, Martin D. McCoy this 22nd day of October, 2009.

MARTIN D. MCCOY,
AUBURN CHIEF OF POLICE