

August 24 2020

To: Police Commissioner William G. Gross  
Police Commissioners Office

From: Deputy Superintendent Courtney C. Matthews  
Assistant Chief, Bureau of Professional Standards

Subject: Internal Affairs Recommendations

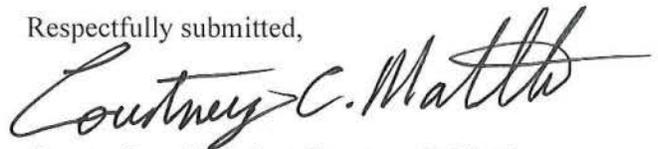
Sir:

I respectfully submit the recommendations of the Internal Affairs Division in reference to:  
Case # IAD2020-0267

Complainant: Captain Leighton Facey  
Commander, Area B-2

Employee(s): Lt. Det. John Hughes  
I.D. #09022 – CSRU (B-2 at time of incident)  
Violation of Rule(s)  
**102,§4 (Neglect of Duty/Unreasonable Judgment) - Sustained**  
**102,§8 (Directives & Orders) - Sustained**

Respectfully submitted,



Deputy Superintendent Courtney C. Matthews  
Assistant Chief, Bureau of Professional Standards

Reviewed by Chief, BPS and Forwarded to Legal Advisor

Reviewed by Legal Advisor and Forwarded to Police Commissioner

Reviewed by Police Commissioner and Forwarded to IAD

**To:** Deputy Superintendent Courtney C. Matthews  
Assistant Chief, Bureau of Professional Standards

**From:** Lieutenant Detective Timothy P. Gaughan  
Internal Investigations Unit

**Date:** August 7, 2020

**Subject:** IAD Complaint Number IAD2020-0267

**Employee:** Lieutenant Detective John Hughes, ID# 009022

**Violation:** Rule 102, § 04 – Unreasonable Judgement  
Rule 102 § 08 – Directives and Orders

**Complainant:** Captain Leighton Facey  
Area B-2 Commander

Sir,

I, Lieutenant Detective Timothy P. Gaughan, respectfully submit the following investigative report regarding IAD complaint number IAD2020-0267.

**Summary of Complaint:**

On Saturday June 20<sup>th</sup>, 2020 Lieutenant Detective Hughes entered Captain Facey's office at Area B-2 without proper authorization.

**Summary of Interview with Captain Leighton Facey**

On Wednesday July 22<sup>nd</sup>, 2020 Lieutenant Detective Timothy P. Gaughan and Sergeant Detective Daniel Pusey interviewed Captain Leighton Facey, Commander Area B-2.

Captain Facey stated shortly after taking command of Area B-2 on April 06, 2019, there were instances where unknown supervisors/officers entered Captain Facey's office without authorization and used his personal bathroom and disturbed paperwork on his desk.

Captain Facey stated he had suspicions of the supervisor/officer involved but had no tangible evidence of who may be entering his office. In a Departmental Form 26 Report from Captain Facey to Deputy Superintendent Felipe Colon, dated June 26, 2020 (see attachment #1), Captain Facey stated on April 12<sup>th</sup>, 2019 he installed a hidden video camera in his office in an attempt to identify the unwanted visitor. Captain Facey also stated during the time after April 12<sup>th</sup>, 2019 he took additional safeguards to secure his office. These safeguards included sending an email out on April 18<sup>th</sup>, 2019 to all Area B-2 supervisors, on which Lt. Det. Hughes was included on the email thread, indicating Captain Facey did not want any supervisors using his office bathroom (see attachment #2). Captain Facey stated he also *changed the locks to his office twice and removed a master key from a key ring located in the Area B-2 Duty Supervisor's office*. Captain Facey did indicate the custodial staff of Area B-2 has a key to his office, but feels they secure his office door regularly after cleaning.

Upon viewing the video submitted by Captain Facey (see attachment #3), at 03:25AM Lt. Det. Hughes can be seen in Captain Facey's office exiting the bathroom. The footage showed Lt. Det. Hughes then walked over to a desk and for eight (8) seconds viewed paperwork, Captain Facey described as Use Of Force Reports he was in the process of completing. Lt. Det. Hughes is then observed walking over to another desk moving an item and looking at other paperwork, Captain Facey did not recall what this paperwork entailed. At 03:26AM of the video Lt. Det. Hughes can be seen walking towards the television area where the hidden camera is mounted, and remain partially in view. Here Lt. Det. Hughes can be seen looking down at items out of view and appears to dip his shoulder downward, as if reaching for an unknown object. Captain Facey stated this is the area in which a bag containing his riot gear and personal items were located. This clip of footage lasts approximately five (5) seconds then Lt. Det. Hughes shuts the light off to the office and exits.

During Captain Facey's interview he indicated that Lt. Det. Hughes is not assigned to Area B-2 and was performing overtime on June 20<sup>th</sup>, 2020 (Lt. Det. Hughes has not been assigned to Area B-2 since September 07<sup>th</sup>, 2019). Captain Facey also stated the supervisor's bathroom in Area B-2 is located on the third floor towards "far side" of the building and he could understand why a supervisor would use his bathroom instead of travelling that distance away from the Duty Supervisor's desk. Captain Facey also stated he understood Lt. Det. Hughes is one of two candidates next to be promoted to the rank of Captain. Captain Facey stated he could understand why Lt. Det. Hughes would look at reports submitted by Captain Facey in an attempt to gather an understanding of how a district Captain makes determinations in his reports. Captain Facey stated he was bothered by the fact Lt. Det. Hughes appeared to go through his "riot bag." Captain Facey stated no items were missing from his office.

Captain Facey was asked to describe the camera installed in his office. Captain Facey stated the camera is his personal property and he installed it in his office. Captain Facey stated he did not discuss the installation of the camera with his superior's (Deputy Superintendent McGoldrick, Assistant Bureau Chief, BFS, Superintendent Ridge, Bureau Chief, BFS or

Superintendent Hasson, Bureau Chief, BA1), but felt as the Commander of Area B-2 he was authorized to utilize the camera to identify the trespasser. Captain Facey stated the camera utilizes a motion sensor for activation and can be turned on and off manually or by Captain Facey's phone. Captain Facey stated the camera records video and does have the ability to record audio. Captain Facey stated the memory is stored on a memory stick and can be also stored on his phone.

### **Summary of Interview with Lt. Det. John Hughes**

On Wednesday July 22<sup>nd</sup>, 2020 Lieutenant Detective Gaughan and Sergeant Detective Morgan interviewed Lieutenant Detective John Hughes.

Lt. Det. Hughes acknowledged working an L/II overtime shift Friday, June 19<sup>th</sup>, 2020 – Saturday, June 20<sup>th</sup>, 2020. After viewing the video footage of Captain Facey's office, Lt. Det. Hughes acknowledged he was the officer in the video and acknowledged using Captain Facey's bathroom in the early morning of June 20<sup>th</sup>, 2020.

The Captain's office at Area B-2 is located by the clerk's office, which one would have to scan their department I.D. on a "keypad" door locking system to gain entry into a common hallway where Captain Facey's office is located. Lt. Det. Hughes stated he entered this hallway and Captain Facey's *office was unlocked*. Lt. Det. Hughes did indicate *there is a "Master key"* to Captain Facey's office inside the Duty Supervisor's office at Area B-2.

I called the Area B-2 Duty Supervisor and spoke with Sgt. Paul MacIsaac, who stated there is a key hanging in the Duty Supervisor's office marked "*Master*", but Sgt. MacIsaac did not know which offices the key unlocked.

Lt. Det. Hughes recalled being assigned to Area B-2 on two (2) previous occasions and each time supervisors were allowed to use the bathroom located in the Captain's office because the only other supervisor restroom was located on the third floor. Lt. Det. Hughes did furnish an email given to him by Sgt. Nicole LaPointe, while she was assigned to Area B-2, in which Captain Facey indicated he did not want any supervisor's using his bathroom (see attachment #2). Lt. Det. Hughes is on this email thread. Lt. Det. Hughes acknowledged he is on the email thread, but stated he *did not recall* ever reviewing the email.

When asked about the video footage showing Lt. Det. Hughes looking at paperwork in Captain Facey's office. Lt. Det. Hughes recalled looking at Use Of Force reports, Motor Vehicle Accident reports and an injured officer report that Lt. Det. Hughes stated he was curious as to how a captain would write up findings of these reports and submit them to BFS. In the final segment of the video, Lt. Det. Hughes can be seen standing in front of the television and appear to reach down out of camera view. Lt. Det. Hughes stated he was looking at pictures and police memorabilia which were located on a counter top under the television. Lt. Det. Hughes stated he never went through Captain Facey's riot bag. Lt. Det. Hughes stated he was unaware he was being recorded.

### **Telephone Conversation with Captain Detective Terry Thomas**

On August 03<sup>rd</sup>, 2020 I had a phone conversation with Captain Detective Terry Thomas, Captain Detective Thomas at the time of the conversation was on vacation.

Captain Detective Thomas was the Commander of Area B-2 from April 02, 2016 till April 04, 2019. I asked Captain Detective Thomas while he was Commander of Area B-2 if he allowed supervisory personnel to use the bathroom in his office. Captain Detective Thomas stated he did allow supervisors at Area B-2 to use the bathroom in his office. Captain Detective Thomas elaborated that the supervisor's bathroom is located on the third floor of the building. Captain Detective Thomas stated that Area B-2 is a busy district and for a supervisor to travel to and from the third floor to use the facilities may cause an unwanted excessive time away from the Duty Supervisor's office.

### **Summary of Investigation**

Captain Facey authored a Form 26 (see attachment #1) stating shortly after he took command of Area B-2 in April of 2019, he had issue with unknown supervisor(s) using his personal bathroom and disturbing paperwork on his desk. Captain Facey stated in his Form 26 on April 12, 2019 he installed a hidden camera in his office, capable of recording both video and audio. Captain Facey stated in his interview that this was done solely to determine the identity of the unwanted guest. Captain Facey stated he took additional efforts to secure his office by *changing his office door locks twice, sending an email out to the supervisors, and removing his office key from the Duty Supervisor's office.*

Captain Facey stated he left his office on Wednesday June 18<sup>th</sup>, 2020 and activated the camera. Captain Facey indicated he was not in his office from Thursday June 19<sup>th</sup>, 2020 till Tuesday June 23<sup>rd</sup>, 2020. On Sunday June 21<sup>st</sup>, 2020 Captain Facey stated his secretary informed him that she had come into the office and noticed *his office door was unlocked.* Captain Facey stated he then reviewed the video footage of the camera and noted that on Saturday June 20<sup>th</sup>, 2020 approximately 03:25AM Lt Det. John Hughes was seen on camera in Captain Facey's office coming out of the bathroom and looking over various pieces of paperwork on Captain Facey's desk without his authorization (see attachment #3). In the last few seconds of this video, Lt. Det. Hughes can be seen walking towards the television area of the office, where the hidden camera is mounted, and appears to look down at an unknown object out of camera view. At one point Lt. Det. Hughes appears to dip his shoulder, as in a reaching motion, downward. Captain Facey stated his riot gear bag was in that area and contained both riot gear and personal belongings. Captain Facey believes Lt. Det. Hughes looked through this bag. Captain Facey stated no items were missing from the bag or his office. Captain Facey stated after viewing the video he never spoke with Lt. Det. Hughes regarding this matter.

Lt. Det. Hughes stated in his interview that he did enter Captain Facey's office for the purpose of using the bathroom. Lt. Det. Hughes stated the only other bathroom for supervisors is located on the far side of the building on the third floor. Lt. Hughes stated in the past, when he

was assigned to Area B-2, under Captain Terry Thomas' command, supervisors were allowed to use the Captain's bathroom for this reason. Lt. Det. Hughes produced an email given to him by Sgt. Lapointe, dated April 18<sup>th</sup>, 2019 from Captain Facey to the supervisors of Area B-2. Lt. Det. Hughes was assigned to Area B-2 at this time and his name appears on the email thread. In this email Captain Facey stated he did not want anyone to use his private bathroom. Lt. Det. Hughes acknowledged his name being on the email thread, but *does not recall ever reading the email*. A check with ISG, Mr. John Boyle, indicated on April 18<sup>th</sup>, 2019, Lt. Det. Hughes "*Opened and Deleted*" the email marked "*MESSAGE...PLEASE READ*" sent by Captain Facey (see attachment #'s 4&5).

Lt. Det. Hughes stated there is a *Master* key in the Duty Supervisor's office at Area B-2 for Captain Facey's office. I called the Duty Supervisor's office at Area B-2 and spoke with Sgt. Paul MacIsaac, who stated there is a key marked "*Master*" in the Duty Supervisor's office. Sgt. MacIsaac was not aware what offices this key opened. On the date in question, Lt. Det. Hughes recalled Captain Facey's *office door was unlocked* when he entered. On Friday, April 07, 2020 I went to Area B-2 and spoke with the Duty Supervisor Lt. John Fitzgerald. Lt. Fitzgerald showed me a key hanging over the Duty Supervisor's desk marked "*Master*." Lt. Fitzgerald was unsure which offices the "*Master*" key opened. Lt. Fitzgerald and I then went to Captain Facey's office armed with the "*Master*" key. This key did *NOT* open Captain Facey's office door nor fit into the cylinder of the door lock. Lt. Fitzgerald stated that was the only key he knew of marked "*MASTER*" in the Duty Supervisor's office. This indicates Captain Facey's office was *unlocked* when Lt. Det. Hughes entered, given the additional safeguards Captain Facey stated he took to secure his office. Lt. Det. Hughes acknowledged using Captain Facey's bathroom and looking at various paperwork on Captain Facey's desk. Lt. Det. Hughes stated this was out of curiosity only. Lt. Det. Hughes is one of two candidates on the Captains promotional list and wanted to observe how a captain would investigate and come to certain conclusions in various reports. Lt. Det. Hughes stated he walked over to the television area which has a counter top under it. Lt. Det. Hughes described the counter top as having pictures and police memorabilia on it, which he looked at. Lt. Det. Hughes stated he never looked in Captain Facey's riot gear bag. Lt. Det. Hughes stated at no time was he aware he was being recorded. Lt. Det. Hughes stated he has not spoken to Captain Facey regarding this matter.

### **Recommendations**

I, Lieutenant Detective Timothy P. Gaughan, respectfully submit the following recommendations regarding IAD case # 2020-0267.

### **Lieutenant Detective John Hughes, ID# 9022**

After a careful review and due consideration of all the facts and evidence, I am able to prove by a preponderance of the evidence that the allegation of Unreasonable Judgment occurred. Lt. Det. Hughes acknowledged entering Captain Facey's office at Area B-2 for the purpose of using the bathroom. While in Captain Facey's office Lt. Det. Hughes can be seen looking at paperwork on Captain Facey's desk. Captain Facey expressed he could understand Lt. Det. Hughes'

curiosity, but Captain Facey took several safeguards to ensure his office and contents in it were secure. Lt. Det. Hughes showed poor judgement in looking at papers reserved for Captain Facey's viewing. Therefore, I respectfully recommend that this allegation be classified as Sustained.

**Violation of Rule 102 Section 04 Unreasonable Judgement**

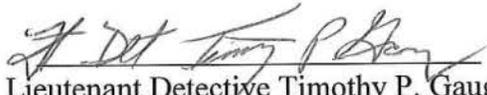
**Sustained**

After a careful review and due consideration of all the facts and evidence, I am able to prove by a preponderance of the evidence that the allegation of violation of Directives and Orders occurred. On April 18<sup>th</sup>, 2019 Captain Facey sent an email out to several supervisor's assigned to B-2, including Lt. Det. Hughes (see attachment #2). Though Lt. Det. Hughes stated he *does not recall* viewing this email, a check with ISG confirmed Lt. Det. Hughes did "Open then Delete" this message (see attachment's # 4 &5). From this directive Lt. Det. Hughes should have known the standard practice under the former Commander of Area B-2, Capt. Det. Thomas, was rescinded and replaced. Therefore, I respectfully recommend that this allegation be classified as Sustained.

**Violation of Rule 102 Section 08 Directives and Orders**

**Sustained**

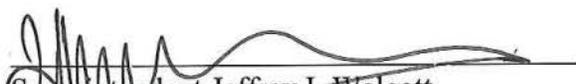
Respectfully Submitted,

  
Lieutenant Detective Timothy P. Gaughan  
Internal Investigations Unit

Contents Noted

  
Deputy Superintendent Courtney C. Matthews  
Assistant Chief, Bureau Professional Standards

Contents Noted and Approved

  
Superintendent Jeffrey I. Walcott  
Chief, Bureau Professional Standards

  
Legal Advisor

