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**VIA ELECTRONIC MAIL PDF TO [lori.ross@uc.edu](mailto:lori.ross@uc.edu)**

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**Re: Response of Anthony Carter, Chief UCPD, to November 20, 2017 Exiger  
Report on Alleged Misconduct/Position Statement on Same**

Dear Ms. Ross:

Please find below the written statement of disagreement with and objection to the November 20, 2017 Report on Alleged Misconduct by Anthony Carter in his position as Chief of Police with the University of Cincinnati Division of Police prepared by Exiger Group and to any action related to it.

Mr. Carter has never been presented with the specific grounds and factual circumstances that are alleged to form the complaint made by a University faculty member or members regarding misconduct as alleged in the Exiger report dated November 20, 2017. Despite demand made by counsel in the November 22, 2017 meeting, UC representatives indicated that the report was not then available for review and production. Nevertheless, the University's November 22, 2017 correspondence signed by Mr. Whalen alleges violations of the University's Conduct Policy 15.02 without making specification as to what section of that particular policy is at issue; reference to six (6) separate sections of the Public Safety Police Operations Policies and Procedures, Rules of Conduct, Standard Operating Procedure Number 26; and Department of Public Safety Police Division Policies and Procedures, Standard Operating Procedure Number 1.1.300 alleging violations of the Divisional Mission Statement and several Core Principles.

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Chief Carter categorically denies the alleged violations of any of the above-referenced policies. Chief Carter was asked by Jim Whalen (his direct report) to undertake and keep that same investigation confidential to the Deans of the Colleges involved. Moreover, the direction received by Chief Carter was to treat this investigation with the utmost discretion and report his findings to the Deans of the Schools in which the alleged complainant and her purported ex-husband were working and the Dean of the College in which the individual allegedly originally threatened by the aggrieved husband worked. Chief Carter promptly and accurately delivered his findings regarding that investigation to those Deans within ten (10) days of notification of the complaint. At no time did any of the faculty members express a feeling of legitimate threat of safety or security for any involved, but actually expressed the contrary. From that point on, Chief Carter considered the matter to be closed; however, (as he has done with several other matters involving UC faculty, students, and staff) left a line of communication open through his business mobile phone should the involved witness (Wife) need to reach out to him in the future due to her repeated statements over concerns about her husband's mental and emotional stability.

The Wife regularly reached out to Chief Carter through that mobile device and Chief Carter was completely transparent in providing that information to the Exiger investigator. He has been fully and completely transparent about those communications, as well as his communication by electronic mail, with respect to his investigation and findings.

As some point during communications between himself and the Wife, she must have misinterpreted a comment that Chief Carter made regarding his willingness to provide her with a ticket to a Cincinnati Bengals' game because of her repeated lament of not knowing many people in the Greater Cincinnati Area, feeling isolated, and having little opportunity to develop strong social ties to friends in the local community. In short, Chief Carter believed that it was part of his University Mission to make members of the UC community feel valued, protected, safe, and connected to others in the community. Indeed, the Mission Statement and Core Principles on which Exiger founds its alleged findings promote such welcoming and friendly activities. Only on one occasion during these text interchanges did anyone mention the concept of a "date" or romantic relationship and that was a statement made by the wife. In response to that comment, Chief Carter immediately corrected that comment and informed her that he had no such intent or interest. Rather, he made it clear that he was not interested in such a relationship, but that he was merely making a friendly offer and that he would cease making friendly gestures if such a conclusion was being drawn. Any other interpretation of Chief Carter's actions is erroneous and misguided.

Chief Carter denies the violation of any provision of any University Conduct Policy with respect to any allegations against him. Chief Carter denies any violation or disregard of the Chain of Command with respect to any of his duties, denies that his performance has been

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unsatisfactory as defined by Section 6b of the Police Operations Policies and Procedures under SOP Number 26, that he has engaged in conduct unbecoming his role as a police officer for the University, denies that he has abused his position as Chief of Police for personal gain, denies that he has undertaken an investigation or other official action that was not part of assigned duties by any supervisory officer, and denies that he failed to submit any necessary report in accordance with any directive.

Chief Carter has violated no policy, no procedure, and has not behaved inappropriately in any material way with respect to his investigation of actions committed by any University personnel. He undertook the investigation as directed by his supervisor and completed that investigation by making appropriate recommendations to the Deans of the Colleges in which those individuals were employed per that same directive. He further advised his supervisor of the outcome of that investigation and his related recommendation. As Chief Carter would do with any member of the University of Cincinnati community, he continued to check on the welfare of and mental and emotional health of the impacted witness to make sure that there were no further problems that would require University Police intervention. In summary, there is no reasonable nor appropriate basis to terminate Chief Carter's employment from the University of Cincinnati or to discipline him in any way.

It seems that the core issue of our dispute is focused around the inaccurate facts and erroneous conclusions contained in the November 20, 2017 Report on Investigation of Alleged Misconduct produced by Exiger Group ("Exiger"). There are numerous material misrepresentations of fact and erroneous conclusions contained in that report with which Chief Carter takes issue. Given that the University rests its position primarily on the conclusions drawn from it, those factual issues and erroneous conclusions must be examined to adequately express Mr. Carter's position and protect his reputation.

As to the factual statement that Detective McMahon's control or direction of the investigation of the original allegation was taken away by Chief Carter, that statement is incorrect. Detective McMahon was never assigned responsibility for any investigation, but was purely involved to assist Chief Carter in conducting interviews of the three parties involved-Husband, Wife, and Boyfriend (using Exiger's terminology). Chief Carter was leading this investigation specifically at the request of his direct supervisor; therefore, he was the primary point of contact under administrative direction to maintain maximum discretion and confidentiality of this sensitive investigation. Any conclusion to the contrary would contradict the original assignment that Chief Carter received.

A second factual inaccuracy is that Chief Carter asked Wife out on at least two, if not three, romantic "dates". Chief Carter never asked Wife to accompany him to any event in any

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romantic fashion. He simply offered tickets to events that he had already purchased or was given as a gesture of friendship and concern for a member of the University community who had repeatedly expressed to him feelings of isolation, disconnectedness, and loneliness. Chief Carter's transparency in providing Exiger all such communication belies any conclusion to the contrary.

A third factual inaccuracy is that Chief Carter's motivation to stay in contact with Wife was of a personal, non-business nature. Chief Carter disagrees with this conclusion drawn from speculation and supposition. After determining the credibility of Husband's original threat, Chief Carter continued to monitor and stay in touch with Wife because of continued concerns expressed by her relative to Husband's behavior. Indeed, he referred her to at least two other police departments regarding those concerns that fell outside of University jurisdiction and because of her repeated expressions of fear, anxiety, isolation, and loneliness in his capacity as a leader within the University community - fulfilling a key function of building trust and confidence in the University Police Department through accessibility, problem solving, collaboration, and promoting safety and security.

Another factual inaccuracy is that Wife expressed reservation or hesitation in speaking with Chief Carter. At no time did she express any reservation or hesitation in speaking with him. To the contrary, Wife often initiated the conversations by telephone or text communication. Had she expressed any reservation or discomfort, Chief Carter would have immediately discontinued contact with her on a going-forward basis.

Finally, with respect to alleged "factual conclusions" are the September 19 and September 27 alleged complaints by Husband, then Wife to their Dean. Exiger fails to recognize Husband's history of outlandish and conspiratorial allegations, including that the University had bugged his computer, his phone, and was surveilling him on a regular basis, when reaching the conclusion that Husband's characterization of his interview and Chief Carter's handling of Husband's threat to do harm to Boyfriend was a credible part of Chief Carter's efforts to induce Wife to engage in a romantic relationship with him. Exiger then inexplicably asserts that Husband's allegation against Chief Carter is "corroborated by Wife" when she claims that Chief Carter was "asking her out" by simply offering her tickets to an event that he may also be attending with no suggestion that such attendance was creating the appearance of or opening the door to a romantic relationship. This conclusion is a mistaken assumption or interpretation on Wife's part with no meaningful factual evidence in support that Exiger then parrots as a factual conclusion.

In short, Exiger's conclusions are based on an erroneous assumption by Wife, which supported a conspiratorial allegation by Husband, and is then constructed into conclusions to

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satisfy a predetermined result that promotes Exiger's continued role in the University, while damaging Chief Carter's, in retribution for his open criticism of Exiger's consulting work with the University.

Exiger's report reaches a number of conclusions that are simply inaccurate to further support their conclusion, as follows:

- Claim that Chief Carter was slow to respond to the initial complaint/allegation of threat- the original allegation was investigated and resolved within a period of less than 10 days, that included the three day Labor Day weekend. In short, the matter was investigated and resolved quickly, with all conclusions provided to the Deans of the respective colleges of the parties involved, pursuant to the express direction provided to Chief Carter;
- Claim that Chief Carter "injected himself" into the investigation of the original complaint- Chief Carter was specifically tasked by his direct report to handle the original complaint investigation, in a confidential and discreet manner due to the nature of the personal issues involved. He did as specifically directed and requested. Using his investigatory process to now criticize Chief Carter for his handling of that investigation when it was performed precisely the way that it was requested to be done is unreasonable and inappropriate. Chief Carter could not "inject" himself into an investigation that was put squarely on his plate by his supervisor;
- Claim that Chief Carter's continued contact with Wife was somehow inappropriate and used to further the development of a personal relationship- Chief Carter's continued contact with Wife in order to continue to monitor the situation, as well as her mental and emotional well-being, is something that the Chief has done with several other members of the University community with whom he may have originally had official contact or who have requested that he stay in such contact. Part of Chief Carter's role is community relations, transparency regarding police operations, and the promotion of safety and security for the members of the University community. Because Wife had expressed repeated concern or reservation regarding those issues outside of or beyond Chief

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Carter's investigatory role, he believed maintaining contact with Wife was a way to alleviate her stated fears and issues with lack of connection or affinity to the University community at large. Had Wife expressed any concern or discomfort that continued contact with Chief Carter was making her feel uncomfortable or was being interpreted as a condition of her continued employment, that contact would have ceased immediately. In fact, when Wife did express her misinterpretation of an invitation for event tickets from Chief Carter, he immediately responded and assured her that this was not a dating or romantic situation. Further, Chief Carter expressed to Wife a number of times throughout their discussions that he had no role regarding either her or Husband's on-going employment situation with the University. Wife's expression of anything to the contrary is untrue. Any conclusion that Wife felt one thing or another is speculative, at best, or is intentionally stated or included in the Exiger report to damage Chief Carter;

- Claim that Chief Carter failed to document investigatory related interactions- the conclusory assumptions expressed in the Exiger report regarding the Chief's fueling of Wife's concern regarding her purported ex-/now current Husband are without merit. Wife repeatedly expressed concerns regarding Husband's behavior and activities outside of the University workplace to Chief Carter. Exiger has ignored that information. Given that those events occurred prior to their arrival to the University or outside of the workplace/campus context, such facts were beyond the purview of the investigation of the alleged threats toward Wife's Boyfriend. Unfortunately, Exiger disregards essential facts in this respect to construct its predetermined conclusion that Chief Carter had illegitimate intent with respect to Wife when no such intent existed. Simply, when Wife expressed that she made an assumption or interpretation that Chief Carter's intentions were anything other than platonic and safety related, he clarified that there was no romantic intention and, further made clear when Wife insinuated that Chief Carter had any role in her or Husband's employment, that he had no role in the decision-making of that employment;
- Claim that Chief Carter's communication with Wife caused her to fear for her safety- This claim by Exiger is irresponsible and unsupported by the

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communications between Wife and Chief Carter as he was simply reacting to Wife's statements and information shared with him. Chief Carter urged Wife to be careful and call the responsible authorities for the jurisdiction or jurisdictions where such activity was taking or may take place. Perhaps Wife regrets the information she shared regarding Husband's behavior that fell outside of the University's purview. However, Chief Carter's actions and advice to Wife were given in the interest of her safety and security. Any statement by Wife or conclusion by Exiger to the contrary is untrue. Any conclusion that Chief Carter sought personal benefit from any interaction with Wife is equally irresponsible and untrue;

- Claim that there is no official report by Chief Carter - while there is no "official report" as there would be for an actual criminal offense, there was a report generated by Chief Carter to the Deans involved in the reporting of the initial complaint through which Chief Carter detailed his findings and that was shared with those respective Deans in accordance with the request for confidentiality and discretion expressed by Chief Carter's direct report. Chief Carter was also transparent with all parties involved, including Exiger, as to why he continued to have contact with Wife following the conclusion of the initial investigation. Exiger's criticism of Chief Carter on this issue, when acknowledging that it was in possession of the concluding email by Chief Carter to the Deans undermines any criticism toward the Chief on this issue and exhibits a lack of understanding by Exiger of the nature of Chief Carter's original task; and
- Claim that Chief Carter led Wife to believe he had ability to affect her or Husband's employment with the University- This claim may be the most outrageous and also tenuous of Exiger's findings. At no time did Chief Carter ever express that communication with him was a condition or requirement of continued employment. To the contrary, he expressly said that he had no role in that decision when Wife raised the issue, possibly on as many as two occasions. Perhaps Wife now seeks to pressure the University into retaining her or Husband by concocting this tale of Chief Carter's alleged misbehavior when no such facts really exist and to penalize Chief Carter and the University for his acts of kindness and conciliation.



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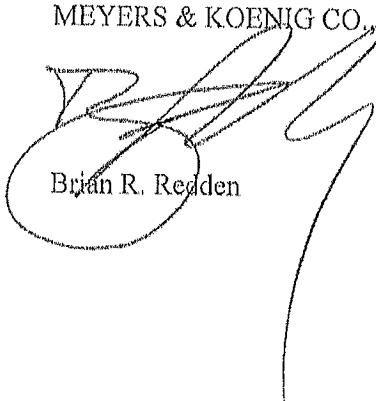
Chief Carter is a decorated, committed public servant with over 35 years of distinguished service to a number of jurisdictions. The conclusions of the Exiger report are speculation and supposition founded on erroneous assumptions, misinterpretation, and the animus of an aggrieved Husband and faculty member who has alleged such theories as the University has bugged his office, his phone, and his computer. In short, even assuming a preponderance of the evidence standard, as claimed to be used by Exiger, the credibility of those making the allegations against Chief Carter pales greatly in comparison to the credibility of the target of those claims and to the goodwill he has created with his work at the University.

Chief Carter is ready, willing, and would relish the opportunity to confront these accusers should that opportunity arise. Notwithstanding, Chief Carter does not believe that, given the opportunity to focus on work with the Institute of Criminal Science, a dispute with the University would be good for the University Police Department or the University community as a whole. Therefore, Anthony Carter has tendered his resignation from his position as Chief, effective November 23, 2017, under separate cover to Dr. Robin Engel.

I respectfully request this objection letter be included and maintained in any employment file related to Chief Carter's employment.

Sincerely,

BUECHNER HAFFER  
MEYERS & KOENIG CO., L.P.A.



Brian R. Redden

BRR/alg