

MEMORANDUM

To: Robert Thompson, Sandy City Attorney  
From: Scott A. Hagen, Ray Quinney & Nebeker  
Re: Report of Confidential Investigation – Sandy City Police Department  
Date: April 23, 2018  
Cc: Katrina Frederick, Director of Human Resources

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I have been asked to conduct an investigation of the working environment in the Sandy City Police Department, and specifically to investigate the conduct of Chief of Police Kevin Thacker's relations with female officers and employees of the Police Department. This investigation was prompted by a report [REDACTED] of complaints that had been made [REDACTED] several years ago by [REDACTED] female employees: [REDACTED] Katrina Frederick, Sandy City Director of Human Resources, also participated in the interviews. We interviewed [REDACTED] the [REDACTED] female employees just listed, another female employee whose name came up in the investigation, two additional [REDACTED] and Chief Thacker. Ms. Frederick has reviewed and approved this report.

**1. Executive Summary.**

The interviews revealed that Chief Thacker uses physical contact in demonstrating emotional support for employees under his direction. The physical contact is different from women to men. He hugs women on a very regular basis, while he hugs men only rarely. Moreover, his hugs, as reported by multiple women who experienced them, and by male employees who observed them, (a) last too long, leaving participants and witnesses to feel "awkward" about the situation; (b) are often chest-to-chest in a way described by some women as allowing him to press his chest against their breasts and include his rubbing his hand up and down their back and across their bra straps and touching his cheek to theirs; and (c) are sometimes "side hugs" where he also rubs his hand across the bra strap, up and down the side of the body, and sometimes touches the side of the female's breast. Other physical contact includes touching the hands of female employees in an awkward manner, touching the neck or shoulders, and touching or patting upper thighs.

[REDACTED] made a complaint that was addressed informally by other [REDACTED] [REDACTED] ago. That complaint resulted in a full apology from [REDACTED] Thacker to the [REDACTED] in question and no repetition of the offensive behavior.

Additionally, city records reflect that another female employee informally complained [REDACTED] ago that she saw and heard inappropriate conversation and touching between [REDACTED] Thacker and another female employee. HR conducted an investigation. The conduct was denied by [REDACTED] Thacker and the female employee he was with, and Chief Thacker now describes that complaint as "unsubstantiated." However, there were multiple witnesses to the contact, and a different witness who heard the conversation, and the investigation appears to have been closed because these witnesses opted not to file a formal complaint because they

didn't want to get anyone in trouble. As part of the resolution of the situation, [REDACTED] Thacker promised to stop hugging.

However, the hugging of female employees in the workplace, as described above, continues. No one has made a formal complaint, but the women who were interviewed stated that it is not welcome to them. Male officers find the conduct to be unprofessional and embarrassing.

I found no evidence that Chief Thacker has committed any actual sexual assault, nor any evidence of overtly sexual contact between him and any female employee, whether consensual or not.

## 2. Witness Interviews.

### a. [REDACTED].

We first interviewed [REDACTED] told us that he was having a casual conversation with a member of the city's human resources department, and he mentioned something about the atmosphere in the Police Department. When the HR person said she didn't know what he meant, he told her about the Chief being a "hugger" or a "touchy feely" sort of guy, and she said that it should be reviewed. So he reported what he knew to the HR Department.

[REDACTED] indicated in our interview that Chief Thacker is indeed a "hugger," as Chief Thacker himself describes it to others. [REDACTED] told us about three specific women who had complained to him over the years about the Chief's touching them: [REDACTED]. [REDACTED] has observed Chief Thacker hugging a lot of employees, but to his recollection, only women. He hugged them "frontally," and seemed to press his chest against them.

[REDACTED] says that [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] She complained to [REDACTED] because she felt violated and scared, and [REDACTED] was angry [REDACTED] told her to go to [REDACTED] and ultimately [REDACTED] Thacker. Thacker [REDACTED] and did not reoffend. She told [REDACTED] later on that she tried to avoid Chief Thacker.

[REDACTED] says that [REDACTED] told him several years ago that Chief Thacker had put his hand on her thigh and left it there for [REDACTED] that he had touched her thigh on another occasion (in front of [REDACTED]), and she complained about the way he hugged her and rubbed her back. She also told [REDACTED] that when [REDACTED] (more recently, [REDACTED]), Chief Thacker came into her office and gave her a long (awkwardly long) hug, and

when she pulled away, he hovered close above her and appeared briefly as if he might try to kiss her. He encouraged her to file a formal complaint with HR, but [REDACTED] declined to do so.

[REDACTED] reported that [REDACTED] complained [REDACTED] ago that Thacker had made some comments to her and that he hugged her inappropriately. He saw her wearing a tight sweater and said “nice sweater” in a way that made her feel he was talking about her breasts. He also said to her “you look cold” (which [REDACTED] said she interpreted as a comment on the appearance of her breasts). With regard to hugs, [REDACTED] said [REDACTED] told him that Chief hugged her frontally, too long, and rubbed his hand on her back. He also did a side hug and ran his hand down her side and touched the side of her breast. Again, [REDACTED] encouraged [REDACTED] to file a formal complaint with HR, but she declined to do so.

[REDACTED] said [REDACTED] also got the hugging treatment when they interacted with Chief Thacker, beginning about [REDACTED] ago, and that she was very uncomfortable with it. [REDACTED] said that [REDACTED] avoids Chief Thacker. [REDACTED]

[REDACTED] also said that [REDACTED] told him that Chief Thacker [REDACTED] and that [REDACTED] was uncomfortable being [REDACTED] with Chief Thacker.

b. [REDACTED]

We then interviewed [REDACTED]. [REDACTED] felt very uncomfortable being interviewed in this process because she felt that she had [REDACTED] issues with Chief Thacker [REDACTED], and that nothing had happened since. She told us that she felt like she was stabbing Chief Thacker in the back, and felt like he has been [REDACTED]. [REDACTED] was actually emotional at various points in the interview because she felt conflicted about being there.

[REDACTED] Chief Thacker had contact with her in several ways that made her uncomfortable. He hugged her too long, and in ways that made her feel uncomfortable. He laid his hand on her hand when she had it on her desk in front of her in a way that made her feel uncomfortable. He came behind her and put his hands on her shoulder and leaned over as he was showing her something. He touched or patted her thigh on at least two occasions in his car. These encounters were troubling enough to her that she discussed them with her husband, who she said was concerned. [REDACTED], Chief Thacker saw that a [REDACTED] on [REDACTED]. [REDACTED] In doing so, he touched the upper part of her breast in a way that wasn't necessarily sexual, but felt awkward to her.

[REDACTED] brought her concerns to [REDACTED]. [REDACTED] told her to go to [REDACTED]. After hearing her report, [REDACTED] met with [REDACTED] Thacker. [REDACTED] told him [REDACTED] was concerned and that he [REDACTED] Thacker

was apologetic to [REDACTED]. He then apologized to [REDACTED] and she said he never again has touched her inappropriately.

Note: This is less serious than [REDACTED] described some of the interactions (as related to [REDACTED]). It is very possible [REDACTED] had forgotten (she said her memory was vague on a lot of this, and she was uncomfortable saying anything). In addition, [REDACTED] could have misremembered what she said in a way that exaggerated what really happened.

c. [REDACTED].

[REDACTED] She said that in approximately [REDACTED] she and Chief Thacker [REDACTED]. [REDACTED] and wanted to talk to him about it. [REDACTED] he put his hand on her upper thigh, tapped it and rubbed a little awkwardly, and then removed his hand [REDACTED]. On the way [REDACTED] he said "Let's keep this between ourselves. It'll be our secret so [REDACTED] doesn't get upset." [REDACTED] was always concerned about chain of command, [REDACTED]. They [REDACTED] and the discussion [REDACTED] without incident.

On a later occasion, she was in [REDACTED] with her legs up on the desk and her chair tipped back on the back two legs, when Chief Thacker came in. As he walked by, he reached over and tapped her thigh again. She said to [REDACTED] (after Chief Thacker left) "What the [REDACTED]? Why does he think that's OK?" She exclaimed that she wanted the behavior to stop, although she also emphasized to [REDACTED] that she did not want to "take this to HR."

On a third occasion, she was sitting in [REDACTED] desk. Chief Thacker came in and patted her inner thigh again. So she started crossing her legs and folding her arms to ward off the touching.

He also has a reputation for hugging female employees, and he has hugged [REDACTED] a lot. If there are others present, he goes for a "side hug," but if no one else is there, he goes for the full frontal hug, pressing chest to chest and putting his cheek up against hers. This is quite awkward. On the side hugs, he runs his hand down the curve of her side, and sometimes kind of feels the side of her breast through the side of her bra. It feels a little like he is trying to "cop a feel." She has seen Chief Thacker hug other female employees in the same way, but has never talked to them about it. According to [REDACTED], it is known that Chief Thacker pays special attention to women, particularly large-breasted women.

During [REDACTED], Chief Thacker came in her office to check on things. She was telling him [REDACTED]. He hugged her. She went to pull out of the hug, and his face was so close she thought he might try to kiss her.

[REDACTED] also reported that on one occasion she wore a low-cut dress to a police [REDACTED]. At one point, she bent down, and when she looked up, she noticed that Chief

Thacker was staring at her chest. She adjusted her sweater around her shoulders in a more modest manner, but noted that he continued to focus his attention on her chest.

d. [REDACTED].

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] was not happy about participating in the investigation. She said that she likes Chief Thacker and does not want to get involved in anything that would be adverse to him. She said that he hugs a lot. He has probably hugged her “hundreds of times.” She’ll go by and say “Hey Chief” like to just say hello, and he’ll come out and hug her. However, she insists that she does not mind these hugs. They are typically full frontal hugs where he presses his chest against hers. Sometimes she maneuvers it so he gives her a side hug. When giving a side hug, he runs his hand up and down her side and touches her “side boob.” He has done this a lot. Again, she insists it doesn’t bother her. It’s not welcome, but she feels like he has done a lot for her and she doesn’t mind him doing this. [REDACTED]

[REDACTED] She also doesn’t want to be known as someone who criticized the chief for this. She said that [REDACTED] complained years ago and she was criticized [REDACTED] in the department.

[REDACTED] sees him hug other women and the look on their faces is that they are trying to get it over with. She has never seen him hug a man. He’ll get up from his desk to hug a pretty woman.

[REDACTED] said that once, [REDACTED] ago, she was wearing a close fitting uniform sweater and he saw her and said “Looks like you’re cold.” She interpreted that as him commenting on the appearance of her breasts through the sweater.

[REDACTED] also said that Chief Thacker once confronted her when she was wearing her uniform jacket as [REDACTED]. He challenged whether she was wearing her uniform shirt and she said she was. He said unzip your jacket so I can see. She refused. So he requested again, and again she refused. At that point, he started laughing and walked away. She actually was not wearing her uniform shirt, but was wearing a white spandex sleeveless kind of tank top. She didn’t want him to know because technically she was not in uniform.

[REDACTED] said that she “plays the game” to get promoted and to protect her job. At one point, she was really obvious about avoiding Chief Thacker and not talking to him. When that happened, he was less friendly towards her. She wanted to stay on his good side, so she started being more friendly and allowing the hugs again, and he started being friendly again. She thought he would stop when he became chief, but he didn’t.

[REDACTED] is quite emotional and doesn’t want to be involved in this. She started crying several times during the interview.

e. [REDACTED].

[REDACTED]  
[REDACTED] She acknowledges that Chief Thacker is a “hugger,” but says he never hugs inappropriately. She said it is almost always a side hug, where he touches her arm but not her side. He does not run his hand along her side or touch her bra or the side of her breast. He has never said anything inappropriate to her.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] had heard that this happened.

It’s obvious that she likes Chief Thacker and has a good relationship with him.

After interviewing [REDACTED] I learned of [REDACTED] concerning Chief Thacker and [REDACTED] indicates that [REDACTED] ago, in [REDACTED] there was a controversy that involved [REDACTED] and [REDACTED] Thacker. Other [REDACTED] employees complained that they had seen [REDACTED] Thacker rubbing [REDACTED] leg, hugging her a lot, that he once “hugged” her legs, and that [REDACTED] was running her hands through his hair. Another employee overheard the two of them talking about “naming” [REDACTED] vagina. There is no suggestion that any of this contact between the two of them was unwelcome. There was no formal complaint of sexual harassment, although [REDACTED] apparently discussed this issue with [REDACTED] Thacker. Chief Thacker mentioned this incident in his interview, and described the allegation as “unsubstantiated.” However, city records show that there were multiple witnesses to the contact and one witness to the conversation, and there was no finding that the allegations were unfounded. Those witnesses declined to file a formal complaint because they “didn’t want to get anyone in trouble.” Notably, [REDACTED] Thacker promised [REDACTED] to stop hugging employees.

f. [REDACTED]

[REDACTED] He has been with the Sandy Police [REDACTED]

[REDACTED] says that the Chief is a “hugger,” as he has been described by many others who were interviewed as part of the investigation. [REDACTED] says that he likes the chief and doesn’t know of anyone who is trying to lead a “mutiny.”

[REDACTED] says that the Chief hugs too many women too often, and it is inappropriate in a professional environment. He hugs them in a “full frontal” style that includes him holding on for too long and kind of moving back and forth from side to side. This is very “awkward and weird” when it happens.

Most recently, there was an interview of a female recruit that was attended by Chief Thacker, [REDACTED] At the end of the interview, Chief Thacker said something like “Well, you’re a breath of fresh air. I’d like to give you a hug.” He then “practically ran” around the table and gave the female recruit a big frontal



hug. It was “weird, blatant, awkward,” as [REDACTED] described it. Aside from Chief Thacker, [REDACTED] thought it was weird and inappropriate.

[REDACTED] also feels that there are females in the Police Department who are reluctant to complain and reluctant to participate in an investigation like this because they believe that nothing will be done. This was not based on concrete complaints, but just his sense of the attitude in the Police Department.

g. [REDACTED]

[REDACTED] for the Police Department. He has been with the Police Department [REDACTED]. He believes that the Chief is too physically demonstrative with female officers. He gives those full frontal hugs regularly and they last too long and are unprofessional and awkward. This is almost always a female getting the hug; rarely does he hug a male officer.

Chief Thacker also gives neck massages and sometimes puts his hands on females’ legs. This really crosses the line to him. [REDACTED] said that [REDACTED] had complained to him. He tried to encourage [REDACTED] to report her concerns.

[REDACTED] believes there is a problem with the atmosphere in the Police Department. A female officer made a complaint against two police officers [REDACTED]. When she told [REDACTED] what happened, she replied that “this is just part of being a police officer and you need to get used to it.” [REDACTED] and he believes that was incorrect and that a female employee who experiences sexual harassment in the Police Department should always report it.

[REDACTED] said he respects Chief Thacker but that the behaviors at issue here are not appropriate for the workplace.

h. [REDACTED]

Chief Thacker has been with the Police Department for some 35 years, and has been chief for the past 4 years. He was respectful and contrite during the interview. He appeared to be willing to acknowledge some errors and was ready to change his behavior.

Chief Thacker has been employed with the Sandy City Police Department for approximately 35 years. He is generally popular. He is known for his compassion for the officers in the department. Indeed, he believes that this is a difficult time to be in police work, and that it is important to express his support for officers and to cultivate a “family”-like feeling in the Police Department. And he does come across as a very genuine, caring, and sincere person.

He said that when he became Chief, he replaced a man whom he believed should have been more friendly and welcoming to police officers. [REDACTED] didn’t know a lot of the employees and believes that was a failing. He has tried to have a better and more open and welcoming relationship with police officers.

Chief Thacker acknowledges that he does hug female employees, but he claims he hugs males as often as females. He said these are very proper hugs, with little contact between him and the person he is hugging. He said that he usually gives side hugs only, and that when he gives a side hug, he touches only the arms of the person he is hugging.

He recalled one complaint against him several years ago. He was accused by [REDACTED] of hugging [REDACTED] legs. He said the complaint was unfounded.

He recalled a complaint made by [REDACTED] [REDACTED] He knew nothing of other complaints made by [REDACTED] and doesn't remember any of those other alleged touching incidents. He apologized to her and has had no further issues with her.

He said he does hug some females in a "frontal" sort of way. He named [REDACTED] [REDACTED] He also acknowledged that he had hugged [REDACTED] [REDACTED]. However, he did not run his hand up and down [REDACTED] side or touch the side of her breast. He claimed to be very surprised that anyone would accuse him of that kind of a hug. He described his hugs as very innocent. He denies that he ever hugs in the way described by female witnesses [REDACTED].

Chief Thacker acknowledges that he may have touched women briefly on the leg, but as a reassurance, not in a sexual manner.

Chief Thacker denies any of the other wrongdoing, such as touching legs [REDACTED], touching hands in an awkward manner, or other touching. He also denies touching cheeks when hugging female officers or employees.

He said no one has ever told him that they objected to his hugging.

### **3. Findings of Fact.<sup>1</sup>**

There were no formal complaints that led to this investigation. The witnesses who were interviewed were very reluctant, and [REDACTED] were teary and emotional during their interviews. They felt that this investigation could either make things worse for them with the Chief [REDACTED] or that her participation was unfair and disloyal given the fact that Chief Thacker had apologized and she had accepted his apology, and that his behavior had been appropriate since that time [REDACTED] said that she felt that there was at least a possibility of [REDACTED] potentially looking for a way to undercut the chief, although I discount that possibility.<sup>2</sup> Finally, Chief Thacker denied that he had the kind of contact described by [REDACTED]

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<sup>1</sup> I didn't interview everyone who might have had something to say about Chief Thacker's behavior for reasons of time and expense. I believe that these findings are a reasonably reliable summary of current conditions.

<sup>2</sup> I did note that [REDACTED] description of some of the specific incidents was more serious than the description given by the women who actually experienced it.



Based on my evaluation of the witnesses, I find that Chief Thacker is indeed a “hugger,” and that his hugging is heavily weighted toward physical contact with female employees. I find that he very often hugs females in the department, and that these hugs often (perhaps usually) (a) last too long; (b) are chest-to-chest in a way that allows him to press his chest against their breasts; (c) involve him rubbing his hand up and down their back and across their bra straps; and (d) are “side hugs” where he also rubs his hand across the bra strap, up and down the side of the body, and sometimes touches the side of the female’s breast. I find that the physical contact with [REDACTED] and the behavior was not repeated, was unwelcome and uncomfortable to her. I also find that the physical contact with [REDACTED] is unwelcome, even if they voluntarily comply to some extent to stay on good terms with Chief Thacker.

I also find that Chief Thacker’s hugging of female officers, employees, and potential employees, as well as the other behaviors described in this report (neck massages, touching thighs, hugging cheek-to-cheek), is unprofessional and inappropriate, and that it leads to an inappropriate atmosphere in the police department.

I believe that the females we interviewed do not want this kind of behavior to continue, and that the male officers I interviewed were embarrassed by the behavior and, like the female witnesses, want it to come to an end.

In arriving at these conclusions, I necessarily find that Chief Thacker has minimized his actions in his own mind, and was not completely candid and forthcoming. I also believe that there may have been an element of cover-up in [REDACTED] and Chief Thacker’s own admissions, it is likely that [REDACTED] “hugs” with Chief Thacker are of the “full frontal” variety and I suspect that [REDACTED] as a means of maintaining a favored status with him.

I also find there were two specific occasions when Chief Thacker could have and should have discontinued his inappropriate physical contact with female employees. First, [REDACTED] ago to [REDACTED] he stopped all physical contact with [REDACTED]. He should have realized that all such contact was inappropriate, and discontinued it then, but he did not.

In addition, [REDACTED] accused him [REDACTED] ago of inappropriate conversation and touching with another female employee. HR conducted an investigation. The conduct was denied by [REDACTED] Thacker and the female employee he was with, and Chief Thacker now describes that complaint as “unsubstantiated.” However, there were multiple witnesses to the contact, and a different witness who heard the conversation, and the investigation appears to have been closed because those witnesses opted not to file a formal complaint because they “didn’t want to get anyone in trouble.” As part of the resolution of the situation, [REDACTED] Thacker promised to stop hugging. Again, he should have actually ended the practice.

I found no evidence that Chief Thacker has committed any actual sexual assault, nor any evidence of overtly sexual contact between him and any female employee, whether consensual or not.