



City of Asheville, NC

Police Department

PO Box 7148
Asheville, NC 28802

Office: 828-259-5880
www.ashevillenc.gov

May 1, 2018

Stony Gonce
Asheville Police Department
City of Asheville

Dear Captain Gonce:

As you are aware, a pre-disciplinary conference was held on Friday April 27, 2018, in accordance with City of Asheville Personnel Policy Handbook Section 69, to give you the opportunity to explain the policy violations outlined in the notice of the pre-disciplinary conference you received.

As explained in the pre-disciplinary conference notice, and as you are aware, beginning in December 2017, the Human Resources Department hired an independent third party investigator to conduct investigations into complaints made against you by other members of the Asheville Police Department ("APD"), as well as complaints you had made regarding the APD and City employees within that department. After review of the information provided by this investigator, Peggy Rowe, HR Director at the time the investigation was initiated and current interim assistant city manager, wrote to me as your department director and recommended the pre-disciplinary conference based on her findings that you had violated several City and APD policies.

During the pre-disciplinary conference, you had the opportunity to respond to the issues and provide pertinent information that you wished to be considered as part of this process. Having now considered the information you provided at the Pre-Disciplinary Conference, I have found as set forth below:

- 1. Your treatment of other members of APD has violated the City of Asheville's Workplace Harassment Policy; the City of Asheville's Ethics Policy B.2. Work Relations; APD Rule of Conduct Policy D.1; APD Rule of Conduct R2; and City of Asheville Personnel Policy Section 61, Inappropriate Personal Conduct.**

The independent investigator found that you engaged in a pattern of behaviors that provides "clear evidence" of a violation of the City of Asheville's Workplace Harassment Policy and I agree. The investigation revealed a pattern over time of you engaging in intimidating, hostile behaviors toward several members of APD. The sheer number of

reports regarding similar unacceptable behaviors from so many different employees is alarming. It is particularly alarming given your position of power and control as a Captain within APD. Some of the more disturbing comments from a number of employees include the following:

- "My family and I are scared. I do not know what he is capable of."
- "Stony lashes out at Hooper when she is critical of his performance."
- "Stony cannot control his emotions."
- "There is always this lingering over my head that he is looking for some way to get me out – get me fired, in trouble, disciplined, etc."
- "He is one of the most evil men I have ever met. I don't know why he has these tendencies to do these things."
- "He has a temper and lets it get the best of him. If Gonce finds out that I'm talking to you, he will come after me. I'm not going to be afraid of him."
- "When Gonce was relieved of his badge last week, it felt like a boa constrictor had released me."
- "If Stony finds out about me talking to a third party investigator then Gonce would let me have it."
- "The abuse of power and position is part of a lengthy pattern of behavior on the part of Captain Gonce, one he has been allowed to conduct in spite of multiple complaints due to misrepresenting his motives and bullying, obstructionist, and retaliatory behavior as a form of suppressing his work force."
- "While in the past month Capt. Gonce's routine emotional outbursts have subsided, they have given way to what can only be described as a growing quiet rage. Constant small aggressions are unwelcome."
- "Capt. Gonce conducting unauthorized internal investigations is not unusual."
- "I live in fear of Gonce. Am I being followed? Am I being monitored?"
- "There are people in the agency that report back to him – he has his boys. They seem to be aligned with him and report back information to him. And I believe that the behaviors target women and minorities."

2. Based on the information provided regarding your pattern of intimidating behavior, you violated APD Rules of Conduct Professionalism 1 – Unbecoming Conduct.

Several APD employees expressed concerns and fears of retaliation from you throughout their careers and presently. This pattern of intimidating and/or hostile behaviors reported by several different APD employees is unacceptable for any employee, much less an APD Captain. As you know, this is not the first time that City HR has addressed concerns regarding inappropriate behaviors by you. In March 2017, HR sent a memo to me pointing out multiple prior complaints and two internal investigations that had been handled in the past where you were accused of

inappropriate behaviors, retaliation and/or coercion by employees of APD. These complaints combined with the findings of the independent investigation, paint a picture of a distinct pattern of behavior that is not appropriate for a Captain of the APD.

3. Additionally, based on the concerns related to your truthfulness brought forth by the independent investigator, you have violated the City of Asheville Ethics Policy D. Honesty – 1,3,6 and 7; APD Rules of Conduct Integrity 1; APD Rules of Conduct Integrity 11; APD Rules of Conduct Professionalism 1 P1; APD Rules of Conduct P12 and the City of Asheville Ethics Policy expectations for Supervisors.

The independent investigator found that you provided contradictory answers, actively attempted to change your story over the course of the investigations and failed to provide facts that could be substantiated and I agree. This lack of honesty and specificity would be concerning for any employee, but is particularly worrisome given that you are a Captain of APD and in charge of Criminal Investigations. I depend on all APD employees, but particularly command staff, to be honest and truthful at all times as this is critical for law enforcement officers. Acts of dishonesty are a clear policy violation.

4. You violated APD Rule of Conduct – Professionalism (5) Interference based on your behaviors toward a lieutenant after he was assigned to perform the criminal investigation into former Officer Hickman's conduct.

As outlined in the notice of pre-disciplinary conference, I am in receipt of a memo from a lieutenant dated February 27, 2018. That memo, combined with the independent investigation, demonstrates that you attempted to interfere with the Christopher Hickman criminal investigation. In the memo, the lieutenant states that on January 18, 2018 he informed you that he had been assigned to conduct the criminal investigation. On January 19, 2018, you attempted to interfere with his ability to investigate the case by directing the lieutenant to write a memo he was clearly uncomfortable writing because he felt you were directing him to make statements that were not true. According to the lieutenant, you attempted to convince him that his conducting the investigation would be detrimental to his career at APD and that he was being used as a "scapegoat. Despite his protests, you directed the lieutenant to complete the memo on three additional occasions, at one point telling him that you were "issuing a direct order as his captain."

As a follow-up to your comment in the pre-disciplinary hearing I contacted Deputy Chief Wade Wood who confirmed that on January 25, 2018, he spoke with you about your concerns that you were not advised about the assignment of a criminal investigation to the lieutenant and of a general conflict of interest of APD investigating a former officer. He stated that he explained to you that the SBI had been requested to conduct the investigation, but declined. Following this conversation DC Wood notified me that you were frustrated about not being advised of the case assigned to your subordinate. However, you never indicated to DC Wood that you believed the lieutenant had any

information that specifically conflicted him from conducting the investigation nor that you were asking that lieutenant to prepare a memo related to his being assigned to conduct the investigation. Moreover, this conversation with DC Wood does not excuse or justify your interference with the Hickman investigation through your interactions with the lieutenant described above.

5. Additionally, based on all of the behaviors set forth previously in this letter, you have also violated Asheville City Personnel Policies Article 6. Unsatisfactory Job Performance and Detrimental Personal Conduct Section 60(4).

In summary, I have concluded that you have violated the following policies:

- The City of Asheville Workplace Harassment Policy.
- The City of Asheville Ethics Policy B2. Work Relations -
- The Asheville Police Department (APD) Rules of Conduct Policy: D. Professionalism 1.
- The City of Asheville Personnel Policy, Article 6. Section 61 Inappropriate Personal Conduct
- APD Rules of Conduct R2 – Conduct toward Supervisors and Subordinates
- Ethics Policy D. Honesty 1,3,6 and 7
- APD - Rules of Conduct Integrity 1 Compliance to Rules and Policies
- APD - Rules of Conduct - Integrity 11. Truthfulness
- APD - Rules of Conduct - Professionalism 1 P1 – Unbecoming Conduct
- APD Rules of Conduct P12 – Supervisory Cooperation
- City of Asheville Ethics Policy expectations for Supervisors
- Asheville City Personnel Policies Article 6. Unsatisfactory Job Performance and Detrimental Personal Conduct Section 60 (4)
- APD Rules of Conduct P2 – Unsatisfactory Performance
- APD Rules of Conduct - Professionalism (5) Interference.

I also have considered the prior discipline of a Written Warning 1 and mandatory EAN for sustained APD policy violations of Insubordination and Conduct Toward Supervisors and Subordinates pertaining to your actions on November 1, 2017.

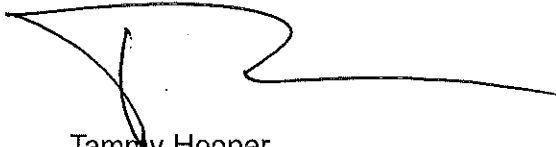
Consistent with City policies, it is my decision to dismiss you from employment as a Captain in the Asheville Police Department, effective immediately. I have considered your years of service and commendations, but I feel strongly that this action is in the best interests of the citizens we serve, the members of this department, and the City.

Information pertaining to your benefits and final paycheck will be emailed to you by Tarika Wyche, using the email address in your employee record. If you have any questions about this information, need to update your email address, or wish to have the information sent via regular mail, please contact the Human Resources Department at 828-259-5690.

Any permanent full-time employee, who is dismissed in accordance with Article 7, section 69 of the Personnel Policy Handbook, shall have the right to appeal directly to the City Manager under the grievance procedure. Such an appeal shall be requested in writing within twelve calendar days of the departmental action being appealed.

You will need to return any and all property of the city to include any issued uniforms, equipment, computer equipment, and other property belonging to the Asheville Police Department or the City of Asheville. You will need to contact Sgt. Russ Crisp in Professional Standards to arrange to return this property. Sgt. Crisp can be reached at 828-259-5907.

Sincerely,



Tammy Hooper,
Chief of Police
City of Asheville

CC: Personnel file

I acknowledge receipt of this letter by my signature below:

J. McLean for Jack W. Stewart 5/1/18
Employee or Employee Counsel Signature Date