



OFFICE OF THE ARIZONA ATTORNEY GENERAL

KRIS MAYES  
ATTORNEY GENERAL

CIVIL LITIGATION DIVISION  
DIVISION OF CIVIL RIGHTS SECTION

LESLIE ROSS  
ACTING CHIEF COUNSEL

April 25, 2023

**SENT U.S. MAIL AND EMAIL**

Cottonwood Police Department  
c/o Stephen B. Coleman, Esq.  
PIERCE COLEMAN  
7730 East Greenway, Suite 105  
Scottsdale, AZ 85260  
[steve@piercecoleman.com](mailto:steve@piercecoleman.com)

Re: Kiedi Dever v. Cottonwood Police Department  
CRD No. CRD-2022-0550; EEOC No.: 35A-2022-00415

Dear Mr. Coleman:

Accompanying this letter is a copy of the Determination of the Civil Rights Division in the above-referenced matter. This Determination is based upon the investigation conducted by this Division.

You and your client are invited to participate in settlement discussions to determine if this matter can be resolved. If you would like to do so, please contact the Litigation Section at (520) 209-4311 to speak with Assistant Attorney General, Maura Hilser, assigned to this case. Your response is required within five (5) days of your receipt of this letter.

Sincerely,

Maura Hilser  
Assistant Attorney General

MH/edw  
Enclosure



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

KRIS MAYES  
ATTORNEY GENERAL

CIVIL RIGHTS DIVISION

Kiedi Dever,

Charging Party,

v.

City of Cottonwood- Police Department,

Respondent.

Complaint No. CRD- 2022-0550

**REASONABLE CAUSE  
DETERMINATION**

The Arizona Civil Rights Division (the "Division") issues the following order pursuant to Arizona Revised Statutes (A.R.S.) Section 41-1481(B). The Division investigated Kiedi Dever's charge of discrimination and finds the following facts are sufficient to establish reasonable cause to believe Respondent violated the Arizona Civil Rights Act ("ACRA"). Other relevant facts are known to the Division but not provided because they are not necessary to meet the burden of this finding.

**Background Facts**

City of Cottonwood is a municipality in Yavapai County with a population of approximately 12,000. The City of Cottonwood Police Department is a department of the City of Cottonwood. The City of Cottonwood, through the Cottonwood Police Department (collectively "CPD"), employs Charging Party Keidi Dever, and is an employer subject to the ACRA under A.R.S. § 41-1461(7)(a).

Charging Party Kiedi Dever ("Dever") began working with CPD as a Communications Specialist on August 13, 2006. Dever became a sworn Police Officer in 2012 and became a Detective in 2020. Dever is an employee protected by the ACRA under A.R.S. § 41-1461(6)(a), and a qualified individual with a disability under A.R.S. § 41-1461(5),(12).

**Charge of Discrimination**

Dever timely filed a charge of discrimination with the Division on May 25, 2022, alleging sex-based discrimination in employment. Dever is one of three female police officers at CPD. Specifically, Dever alleged that she was subjected to different terms and conditions of employment and a hostile work environment because of her sex, in violation of A.R.S. § 41-1463(B)(1,2). Dever

amended her charge of discrimination to include allegations alleging disability-based discrimination, retaliation, and other aggrieved individuals.

### Investigation

The investigation revealed the following facts that support a finding that CPD engaged in unlawful employment practices against Dever:

- Dever was subjected to hostility from, and unwarranted disciplinary actions by, male CPD supervisors.
- Sergeant Sinn (“Sinn”) often talked down to female CPD employees, including but not limited to Dever. He routinely demeaned Dever, and often complained about her, including but not limited to calling her stupid.
- Dever was routinely critiqued by her immediate supervisor Sergeant Scott (“Scott”) for perceived performance issues, although she had previously received praise in annual reviews by other supervisors for those same performance characteristics.
- In January 2022, Dever informed Scott of her exposure to traumatic incidents and her interest in seeking mental health treatment. Scott told Dever that she “should leave the Detective position” because it was “too much” for her.
- Dever independently sought mental health treatment and was thereafter diagnosed with post-traumatic stress disorder (“PTSD”).
- While on leave for PTSD, CPD assigned a male employee to temporarily fill Dever’s position. Email communications from CPD in January and February 2022 reflect CPD’s intent for the assignment to be temporary; however, that male employee remains in the Detective position.
- In or around January 2022, CPD employees submitted responses to a CPD anonymous survey. The responses included but are not limited to statements such as, “the city should be proactive in looking into the females supervised by Commander Braxton,” “the same with Sergeant Chad Sinn he is creating a hostile work environment within the department...employees are afraid to speak out in fear of backlash with them being higher ups,” and “there is concerns (sic) how Commander Braxton treats his female subordinates...”
- In response to the survey, Human Resources Director Amanda Wilber (“Wilber”) interviewed seven female employees of CPD, but no male employees. Wilbur did not interview Sinn or Braxton.
- Through Wilber’s interviews, CPD confirmed that an employee “witnessed Sergeant Sinn speaking very disrespectfully to Kiedi Dever.” After correction by a female CPD Sergeant, the witness believed Sergeant Sinn’s “behavior has accelerated and gotten worse.”
- Wilber concluded in part that CPD’s work environment “indicates intimidation [and] bullying” and acknowledged that “the perception of discrimination exists with female subordinates of Commander Braxton and Sergeant Sinn,” but

ultimately held: “[I]t seemed the behaviors are not based on sex. Behaviors may be directed un-proportionately towards different positions based on the reports of employees. All females in certain areas has (sic) similar experiences, however, some females from stand-alone positions did not experience feeling discriminated against.”

- On May 25, 2022, Dever filed an initial charge of discrimination with the Division, alleging that CPD subjected her to sex-based discrimination and harassment.
- In June 2022, Dever was released to return to full duty with no restrictions by a licensed psychologist based on an independent medical examination.
- In an email dated June 13, 2022, Chief of Police Steve Gesell (“Gesell”) stated that returning Dever to Detective was inappropriate because it “conflicts with the allegations alluded to in the AG [charge of discrimination] potentially placing the employee and employer in [sic] avoidable positions before more is known.”
- During his interview with the Division, Gesell testified that he could never justify giving Dever “any type of concession like putting her back [in Investigations as a Detective.]”
- Dever returned to work in June 2022 and instead of resuming her role as Detective, she was informed by Gesell that she would be reassigned to Patrol Officer with supervision by a Field Patrol Officer. The reassignment from Detective to Patrol Officer resulted in a 5% salary decrease for Dever and a less favorable shift assignment that included weekend swing shifts.
- Gesell claimed the reassignment was done to reacclimate Dever to the duties of a Police Officer, but without Dever in the CPD Criminal Investigations Unit, the Investigations Unit contained only male Detectives.
- When a male Detective returned from a three month leave of absence, he was not required to complete any time with a Field Training Officer and was immediately assigned to the Investigations Unit as a Detective, initially on light duty, and eventually returned to full duty.
- Another male Officer took a leave of absence for a Traumatic Brain Injury. When asked about this Officer, Gesell could not remember if he was required to ride with a Field Training Officer, but stated that if he did, it was only for “one or two shifts.” Gesell ordered Dever to be supervised by a Field Training Officer for several weeks.
- Despite having a full release without restrictions from a medical practitioner, Gesell nonetheless claimed that Dever’s “mental health was a concern.”
- During the Division’s investigation, Gesell testified, under oath, that female employees are “emotional,” that two of the management-level female staff made their supervisory decisions based on “relationships rather than more pragmatic approaches... [or] logical outcomes,” that one female supervisor “broke down in a

meeting emotionally,” and that another female employee was an “emotionally driven person.”

### **Inferential Disparate Treatment**

The Division finds reasonable cause to believe CPD discriminated against Dever on the basis of sex in violation of A.R.S. § 41-1463(B)(1).

### **Disability Discrimination**

The Division finds reasonable cause to believe CPD discriminated against Dever on the basis of disability in violation of A.R.S. § 41-1463(B)(1).

### **Retaliation**

The Division finds reasonable cause to believe CPD retaliated against Dever for engaging in protected activity by filing a charge of discrimination against CPD with the Division, in violation of ARS § 41-1464(A).

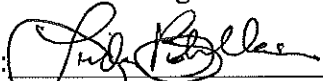
### **Conclusion**

Having determined that reasonable cause exists to believe unlawful employment practices have occurred, the Division now invites the parties to join with it in an effort to resolve this matter through conciliation. The confidentiality provisions of Arizona law apply to all information shared and received during conciliation. The Arizona Civil Rights Act prohibits retaliation against employees for making a charge, testifying, or participating in any manner in a Division investigation. ARS § 41-1464 (A).

The parties may indicate their willingness to engage in conciliation by contacting the Division at (602) 542-5263 within five (5) working days.

Date: 04/25/2023

Arizona Civil Rights Division

By:   
Linda Bohlke, Compliance Manager  
Civil Rights Division