

On Thursday June 19, 2008 at approximately 0730 hours, Investigator Bowyer contacted Inv. Pennington at home and gave details on 317 L St. NE incident, which occurred on Wednesday June 18, 2008. Investigator Bowyer explained that DFC Palmer called and stated that this is a high profile case and the Fire Chief, Asst. Fire Chief and Mayor was following this case closely. Investigator Bowyer stated that Deputy Fire Chief Palmer requested that he be the lead. Inv Bowyer asked Inv Pennington to assist in the follow up and proceeded to give details of what information was gathered to that point. Inv Pennington advised Inv Bowyer that he is working another case and was going to FIU in a few hours and that Inv Pennington will give LT. Malinowski an update and to advise that Inv. Pennington will assist Inv Bowyer on this case.

Inv Pennington arrived at the FIU at approximately 1030 hours, signed the journal and began to brief LT. Malinowski on the conversation between Inv Pennington and Bowyer earlier that morning. Lt Malinowski stated that DFC Palmer called and stated that Sgt Proctor called and relayed that no follow-up have started due to Inv. Bowyer being home asleep and that the Task Force and MPD were going to take the case. Inv Pennington stated to Lt Malinowski that Inv Bowyer gave Pennington names and full details of case work that he completed at the time and that Inv Bowyer only needed Pennington to collect 252 forms of past events at 317 L ST NE before the fire. Inv Pennington told Lt Malinowski that Sgt Proctor spins these types of webs on high profile cases to cast a negative cloud over the Investigators involved so that Sgt Proctor can be involved in the case or claim that he is involved for overtime purposes.

On Thursday June 19, 2008 Investigator Pennington and Bowyer began follow-up work on the 317 L Street case. Pennington and Bowyer worked until 12:00 midnight conducting interviews, returning to the fire scene, identifying witnesses, persons of interest etc.

Pennington and Bowyer made key contacts and arranged meetings for Friday June 20, 2008.

On Friday June 20, 2008 at approximately 0630 Inv Pennington arrived at FIU to assume duty for his shift. Inv Pennington gave Lt Malinowski and Sgt. Steen a briefing of the events that took place the night before and details of upcoming events and assured them that an arrest was soon to happen. Lt Malinowski advised that Sgt Proctor again stated that MPD the Task Force and he were taking over the case due to no activity. Inv Pennington reminded the Lt Malinowski and Sgt Steen that these are the types of lies Sgt Proctor have been telling for years and advised once again that Pennington and Bowyer were aware of his attempts to discredit them once again. Inv Pennington advised that he was on his way to meet Inv Bowyer at a previously disclosed location and will advised once the suspect was in custody.

On Friday June 20, 2008 at approximately 0730 hours a person of interest was located. At approximately 1030 hours an arrest was made. At approximately 1112 hours a statement was obtained at MPD Youth Division. At approximately 1130 hours the respondent was transported to the Juvenile Processing Center for processing. At approximately 11:40 hours Sgt Proctor called and attempted to give bad directives. Inv

Pennington and other members of FIU have experience these attempts on an ongoing basis. Inv Pennington advised Sgt Proctor that his info was not correct because Pennington and Bowyer were processing the juvenile at that time.

At approximately 1330 hours, Inv Pennington reported to the Office of the Attorney General, hereinafter referred to as OAG Juvenile section for papering and at approximately 1430 hours was informed by Assistant Attorney General Barbara Chesser that the OAG was not sponsoring any cases from Pennington or Bowyer due to information shared with a Defense Attorney in another case with AAG L. Collins.

AAG B. Chesser began to question/interrogate Inv Pennington in reference to the accusations by AAG L Collins that Inv Pennington and Bowyer lied on the stand, shared information with the defense. Inv Pennington maintained that he did not recall such testimony. AAG B Chesser stated “ I just told your agency that we are not taking cases from you or Bowyer”. While in the office of AAG Chesser, a phone call came in from Sgt Proctor, Pennington overheard her say call back in ten minutes a few minutes later AAG L Collins who is on maternity leave called into AAG Chessers office. During this meeting AAG Chesser stated that she was thinking of no/ paper for the case due to the accusations from AAG Collins.

At approximately 1530 hours, Inv Pennington, Bowyer, Battalion Fire Chief Bruce Faust and DFC Palmer met at the FPD Office. Inv Pennington and Bowyer were formerly informed that AAG B Chesser notified DC FEMS that the OAG was not sponsoring any cases from Inv Pennington or Bowyer. At approximately 1730 hours, Inv Pennington and Bowyer contacted Sgt Proctor and were informed of the same. Additionally, Sgt Proctor Stated that AAG Chesser contacted him and stated that the OAG was not taking cases from Pennington and Bowyer and that a formal investigation will be conducted into who lied on the stand.

On Saturday June 21, 2008 DFC Palmer contacted Inv Pennington and informed that he and the Asst Fire Chief just had a conference call with AAG B Chesser and her boss. DFC Palmer informed that the OAG is now willing to sponsor cases from Pennington and Bowyer and Pennington was directed to turnover the videotape statement to Inv R Taylor. Sgt Proctor called Pennington and stated that he was in on the conference call as well and that the OAG made it clear that they were not sponsoring Pennington and Bowyer only on this case and that an investigation will be conducted into the other matters concerning AAG L Collins after the 317 L Street case is over. Sgt Proctor advised Pennington not to report to court and should be guided by legal counsel.

Sgt Proctor called Inv Pennington again in an attempt to get the videotape statement from him. Inv Pennington advised Sgt Proctor that he (Pennington) spoke with DFC Palmer and that Pennington is to give the tape to Inv R Taylor and have a meeting with AAG R Hilldum.

It's clear that the Sgt and the DFC are not on the same page in this matter or someone is not telling the truth. Or are they on the same page? In fact, history will show that these are common tactics used by management to trap members that are targeted for removal from the FIU for personal reasons by Sgt Proctor and others. It's believed that Sgt Proctor was directly or indirectly involved with this matter with this latest attack on Inv Pennington and Bowyer. However DFC Palmer made it clear to Inv Pennington and R Taylor that Sgt Proctor did not have anything to do with this latest attack and that the OAG dropped the ball. Inv Pennington stated to DFC Palmer that this was not true because Pennington was in AAG B Chessers office when Sgt Proctor and AAG L Collins called, so Pennington knows for a fact that Sgt Proctor was in contact with the OAG after Sgt Proctor was informed of the arrest. It's clear that Sgt Proctor and other managers within FPD for personal reasons have targeted Inv Pennington for removal from the FIU.

We are requesting a formal EEO investigation from an outside agency because it's clear that the FPD and DC FEMS are too involved to be Fair and objective. In addition, it is strongly believed that Sgt Proctor initiated contact with the OAG on Friday June 20, 2008 and had conversations with AAG L Collins which he denies, again I was present when the phone calls started from the two into AAG B Chessers office. Sgt Proctor has a history of not telling the truth or "being less than candor". Inside the FIU many members and officers have a saying "according to Sgt Proctor" this is the officers and members way of crosschecking information obtained from Sgt Proctor. The unwritten rule in FIU with members and officers is before quoting any information from Sgt Proctor as being true or accurate, you ask did you cross check that information. Furthermore, the Inspector Generals Office found in a formal investigation that Sgt Proctor lacked "candor".

In addition, Sgt Proctor recently lied about a fire investigations case to FIU members and Officials. FPD management knew or should have known and did nothing. So how could DFC Gary Palmer quickly conclude in this case that Sgt Proctor is being honest? Perhaps because it involves Pennington and Bowyer two individuals the FPD management wants removed from FIU.

FPD/FIU is clearly a hostile work environment. Inv Pennington has maintained documentation of other attacks on his creditability and LEO credentials over the past year. Inv Pennington has been the subject of discriminatory practices and the target of disparity in treatment for my inability to adjust my investigations and only tell the truth. Although this information has been reported to FIU supervisors and the DFC of FPD, nothing has been done and the frequency and intensity of the attacks continue and are increasing. Inv Pennington request that these things stop, and an independent investigation is conducted.

Furthermore, because of the unethical events which have transpired with this case and the manipulation of information and the evidence involving the 317 L Street NE case, Inv Pennington request to have no involvement with any cases that will come before the OAG. Based on past experiences with DFC Palmer, Sgt Proctor and AAG L Collins in the Bridgewater gun case that was dropped by the USAO for mishandling of evidence. Inv Pennington does not want this situation to repeat, where all relevant information

possessed by the government was not disclosed to defense and if ever asked, Pennington is going to tell the truth as always. Then the OAG and the DFC is going to be upset with Inv Pennington then the attacks will increase and a case for Pennington's removal from the FIU or informal demotion within the unit will take place, because " he is not a team player" and Sgt Proctor, the agency's " Hit man" will go to work targeting Inv Pennington

For removal or trumped up charges for 169's. Inv Pennington has already been constructively discharge within the unit.

Misconduct and unethical practices are common in the FIU, especially involving criminal cases whether it's wrongful arrest, members not knowing when to Miranda or pressure to change determinations. Sgt Proctor is and always been the source of these problems directly or indirectly and FPD management has known or should have known. Inv Pennington has on several occasions expressed concerns about issues with Sgt Proctor and other supervisors over the past year and to date nothing has happened except continued attacks.