



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

312 SOUTH HILL STREET, THIRD FLOOR
LOS ANGELES, CALIFORNIA 90013
(213) 974-6100
<http://oig.lacounty.gov>

MEMBERS OF THE BOARD

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INSPECTOR GENERAL

November 6, 2019

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Kathryn Barger

FROM: Max Huntsman *DWB for*
Inspector General

SUBJECT: REPORT-BACK ON LASD INTERNAL ADMINISTRATIVE
INVESTIGATIONS AND DISPOSITIONS OF DISCIPLINARY ACTIONS
FOR JUNE, JULY AND AUGUST 2019

Attached please find the Office of Inspector General's (OIG) Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Actions for the months of June, July and August 2019.

Inactivation of Administrative Investigations

Based on our review of LASD records, LASD inactivated two administrative investigations in June, two in July and five in August, bringing the year-to-date total to sixty-six.

In June, both inactivated investigations were inactivated in accordance with LASD's Administrative Investigations Handbook, which provides for the inactivation of a case when a subject of an investigation resigns or retires. A summary of each case inactivated within LASD policy is included in Attachment A.

In July, the first case was inactivated after a criminal investigation by the Department could not identify a subject to investigate. In the second case, although the inactivation memo detailed the reasoning for the inactivation, the alleged conduct by the employee appears to be out of policy and the reasoning does not appear to correspond with any of the Department's stated policies: resigning,

retiring or withdrawal by a complainant.¹ Rather, the detailed memorandum states that due to the absence of instances of force in seven years and no prior disciplinary history in the employee's background, the conduct was deemed a training issue. A summary of each case is included in Attachment A.

In August, five administrative investigations were inactivated within Department policy where the employees either resigned or retired and one case where the deputy sheriff trainee was separated from the Department. That case is discussed in Attachment A.

Cases in which Findings Were Modified and/or Discipline Was Changed after Letter of Intent Was Issued

In June, July and August 2019, the Department modified the findings and/or discipline assessed as outlined in the original letters of intent for 16 employees. A summary of each of those matters is included in Attachment B.

Of note are four cases in which the Department reduced discipline from discharge to suspension days. However, the Los Angeles County Department of Human Resources (DHR) did not approve rehiring the employees in these cases. Currently, the cases are pending before the Civil Service Commission.

Monitored Case Review Cases in which the Letter of Imposition Was Served

This report-back includes a list of cases in which the employees' cases were heard by the Department's Case Review panel and in which discipline was imposed. The Case Review panel, which is comprised of the Undersheriff and two Assistant Sheriffs, reviews all cases in which the discipline recommendation by the

¹ Department policy allows a decision-maker, under limited circumstances, to inactivate an administrative investigation. Specifically, Manual of Policies and Procedures (MPP) section 3-04/020.20, Inactivation of Administrative Investigations, permits decision-makers to request the inactivation of an investigation by sending "a memo from the concerned Division Chief or Division Director to the Captain of Internal Affairs Bureau (IAB), detailing the reasons for the inactivation." When an investigation is inactivated, the investigation is terminated, and no findings are made.

While Department policy strongly favors completing and making findings in all administrative investigations, policy also allows that when "continuing with an administrative investigation is pointless and inactivating the case is the more appropriate course of action," inactivation may be an acceptable course of action. Examples of when inactivation may be appropriate include when the subject of the investigation resigns or retires during the investigation, when a complainant withdraws the complaint or refuses to cooperate in the investigation, or when the complainant's allegations, even if founded, would not constitute a violation of law or Department policy.

employee's division chief or director is discharge, demotion, or suspension in excess of 15 days.²

In June, July and August 2019, the Department finalized a total of 13 Case Review cases in which the Department imposed discipline after the employee was afforded an opportunity to grieve the discipline internally (i.e., through a *Skelly* hearing or in writing). After the letter of imposition is served, the employees may file an appeal with the Civil Service Commission.

A brief summary of each case is included in Attachment C.

Consistent with existing protocols, the OIG provided the Department with a draft of this report-back to afford it an opportunity to identify any information it considered to be inaccurate or to object to the information in the report being publicly released for any reason. The Department did not identify any inaccurate information or object to the information being publicly released.

MH:DWB

c: Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Executive Officer
Mary C. Wickham, County Counsel
Brian Williams, Executive Director, Civilian Oversight Commission

² LASD has recently drafted a proposal that Case Review would strictly limit case review to instances in which chiefs sought to fire or demote a deputy. Such an approach, if implemented, would severely limit the ability of LASD management to ensure that chiefs seek discharge in appropriate cases.

INACTIVATIONS NOT WITHIN POLICY***Inactivated Investigations Involving Criminal Allegations***

1. (June) An administrative investigation was initiated in December 2017, to determine whether a probationary custody assistant violated the Obedience to Laws, Regulations and Orders³ policy when he attempted to enter Disneyland with a loaded firearm concealed in his waistband. In February 2018, he was criminally charged with a misdemeanor count of Possession of a Concealed Firearm under Penal Code section 25400(a)(2). In May 2018, he was separated from the Department but appealed his probationary release. The Internal Affairs Bureau (IAB) continued to monitor the criminal case and in April 2019, the subject pleaded guilty to a lesser charge of causing a disturbance under Penal Code section 415(2). Upon his conviction, the Department inactivated the administrative investigation. The inactivation memo states that due to the probationary custody assistant no

³ 3-01/030.10 OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS: a) Members shall not willfully violate any federal statute, state law or local ordinance; b) Members shall conform to and abide by the following: Charter of Los Angeles County; Los Angeles County Code; and Rules of the Department of Human Resources; c) Members shall obey and properly execute all lawful orders issued by any supervisor of higher rank or classification or who is officially acting in such capacity; d) When assigned to duty with another member of the Department, an employee shall be subject to disciplinary action for any violation by the other member of any provision of this chapter unless the employee was unaware of the violation or unless the employee, if the situation permits safe and prudent action, attempts in good faith to prevent the violation and, at the earliest reasonable time, reports the violation to his supervisor; e) Members who violate any rules, regulations, or policies of the Department or the County, shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action; f) Members who are arrested or detained for any offense, or named as a suspect, other than an infraction under the Vehicle Code, shall immediately notify their immediate supervisor or Watch Commander of the facts of the arrest or detention or allegation. After business hours, if the member is unable to contact their immediate supervisor or Watch Commander at the Unit of Assignment, the member shall contact Sheriff's Headquarters Bureau and request immediate notification to their Unit Commander. The member shall provide details of the arrest or detention to Sheriff's Headquarters Bureau, including alleged charge(s), location, police agency jurisdiction, and return phone number where the member can be reached, for relay to the Unit Commander. The Sheriff's Headquarters Bureau member receiving notification shall immediately notify the employee's Unit Commander. The Unit Commander shall immediately notify Internal Affairs Bureau. The employee's Unit Commander shall immediately respond to the member's location if the member is arrested and taken into custody. According to the nature of the offense and in conformance with the rules of the Department of Human Resources, disciplinary action may result and may include, but is not limited to, the following: a reprimand (written); suspension without pay; reduction in rank; and/or dismissal from the Department. NOTE: For purposes of this section, any reference to "members" [s]hall include any member of the Department, both sworn and professional staff.

INACTIVATIONS NOT WITHIN POLICY

longer being employed with the Department, the case will be inactivated but in the event he returns to the Department, the case will be re-opened.

2. (July) In February 2018, an employee was the victim of food tampering at a patrol station where the food was in a communal refrigerator. A criminal investigation conducted by the Internal Criminal Investigations Bureau (ICIB) determined there was probable cause to believe that a crime occurred, however, ICIB was unable to develop corroborating evidence to identify or link a suspect to the crime. The administrative investigation was inactivated due to the inability to identify a suspect for violation of Obedience to Laws, Regulations and Orders.⁴ The inactivation memo notes that conducting further investigation would not produce additional information or facts.

3. (August) In February 2019, a deputy sheriff trainee was arrested for a violation of Penal Code section 261(a)(3) – Rape. The trainee was immediately separated from the Department. The inactivation memo states further administrative action is not required, however, should the recruit reapply to the Department, the investigation should be reviewed prior to his reinstatement.

Inactivated Investigations Involving Alleged Policy Violations

4. (June) A unit level administrative investigation was initiated in June 2018 by a captain to determine whether the employee violated the Performance to Standards⁵ policy when it was discovered the civilian employee failed to perform

⁴ See Footnote 2.

⁵ MPP 3-01/050.10 PERFORMANCE TO STANDARDS

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- a lack of knowledge of the application of laws required to be enforced;
- an unwillingness or inability to perform assigned tasks;
- failure to conform to work standards established for the member's rank or position;
- failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention;
- absence without leave; and/or
- unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- repeated poor evaluations; and/or
- a written record of repeated infractions of the Department's rules, regulations, manuals or directives.

INACTIVATIONS NOT WITHIN POLICY

her duties by failing to timely mail correspondence to potential witnesses in a case and failing to respond to the assigned investigator about the whereabouts of the correspondence. The inactivation request stated that the conduct would have warranted a Performance Log Entry, however, prior to the discovery of the information during the investigation, the employee transferred to another unit.

5. (July) A unit level administrative investigation was initiated in September 2018 to determine whether a custody assistant violated the Obedience to Laws⁶ and Performance to Standards⁷ policies. The custody assistant was conducting a Title 15 inmate safety check at a custody facility when an inmate threw an unknown liquid at him which struck him in the face, chest and legs. The custody assistant reacted by spraying the inmate with a burst of Oleoresin Capsicum (OC) spray. He then radioed for assistance while continuing to stand in front of the cell. Believing that the inmate was going to assault him, he used OC spray on the inmate again before exiting the row. The incident was reviewed by management on DVTel video and an administrative investigation was opened in September 2018. In the request to inactivate the case, the chief noted that after further review of the incident and taking into consideration the lack of experience in force by the employee, the matter was determined to be a training issue. The memorandum further noted that in seven years, this was the employee's first use of force and he had no prior disciplinary history. The employee was counseled and issued a Performance Entry Log. The memorandum also noted that had this case moved forward and the employee found to have violated policies, the discipline would have been a written reprimand.

⁶ See Footnote 2.

⁷ See Footnote 4.

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

Pre-Letter of Imposition

1. (June) In July 2018, a deputy sheriff trainee was served with a letter of intent to suspend him for three days for violating a Temporary Restraining Order (TRO) filed against him which prohibited him from possessing firearms and ammunition. During the time the TRO was in effect, the subject was working as a Sheriff's security officer for the LASD where he had access to and was required to carry a loaded firearm while on duty. The Department found the deputy violated the Obedience to Laws, Regulation and Orders policy. After the *Skelly* hearing, the Department entered into a settlement agreement with the employee whereby the findings remained the same, but the discipline was reduced to a one-day suspension.

2. (June) In April 2019, a deputy was served with a letter of intent to discharge him for being involved in an off-duty hit and run traffic collision while under the influence of alcohol. The case was presented to the Case Review panel and the panel concurred in the discipline recommended by the employee's chief. The deputy was convicted of a misdemeanor driving under the influence charge and was found in violation of the Obedience to Laws/DUI and General Behavior policies. The deputy was in possession of his firearm but was not charged with the Safety of Firearms policy, which prohibits deputies from carrying a firearm where the officer consumed alcohol to the point where he is unable to or does not exercise reasonable care or control of the firearm. The deputy had previously served a 15-day suspension for off-duty Disorderly Conduct and Safety of Firearms policy violations. In June 2019, after the *Skelly* hearing, the chief entered into an agreement with the deputy whereby the findings remained the same, but the discipline was reduced to a 30-day suspension with the understanding that he would be subject to random alcohol testing and if he was subsequently the subject of a founded investigation involving alcohol, he would be discharged. Because the Case Review panel pre-approved the reduction at the original hearing if the subject agreed to the random alcohol testing, the case was not brought back for a re-hearing at Case Review per Manual of Policy and Procedures section 3-04/020.08.⁸

⁸Manual of Policy and Procedures section 3-04/020.80, Modifying Findings or Discipline, "[i]f a division chief or division director is considering changing the findings and/or discipline after conducting a Skelly or grievance hearing in an investigation for which a determination has already been made and approved by the Case Review

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
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3. (June) In January 2019, the Department served a deputy with a letter of intent to discharge him for off-duty misconduct relating to driving a County vehicle without the knowledge and/or permission of his supervisor outside Los Angeles County; driving that vehicle while under the influence of alcohol; driving in an erratic manner, causing an outside law enforcement agency officer to draw his duty weapon in fear of his safety as the employee pulled the County vehicle up alongside his patrol vehicle; having a Blood Alcohol Concentration level of .10 and .11 when tested; having possession of his firearm while driving intoxicated; and failing to cooperate with the officers from an outside law enforcement agency by reporting a domestic violence incident in progress knowing that information to be false. The Department found the deputy violated the Use of County Vehicles, General Behavior, Obedience to Laws as it pertains to Driving Under the Influence of Alcohol and Drugs, Safety of Firearms and Cooperation During a Criminal Investigation policies. After the *Skelly* hearing the Department entered into a settlement agreement which included a "Last Chance Settlement Agreement" where the charges remained the same, but the discipline was reduced to 25 days. However, County Counsel did not approve the settlement agreement and the case is currently pending at the Civil Service Commission.

4. (June) In March 2019, the Department served a sergeant with a letter of intent to suspend him for 10 days for failing to provide written notification to his unit commander upon becoming involved in a personal relationship with another Department member (his subordinate) within his chain of command and advising that subordinate to not make proper notification to her unit commander about their personal relationship and to keep their personal relationship a secret. The Department found the deputy violated Obedience to Laws as it pertains to Personal Relationships Between Department Members and Performance to Standards policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the employee whereby the findings remained the same, but the Department reduced the discipline to a five-day suspension.

5. (June) In March 2019, the Department served a deputy with a letter of intent to suspend him for three days for entering a station jail to retrieve a booking packet while having his firearm on him. All personnel are required to store their weapons

Committee, then the division chief or division director shall present the reason(s) to the Case Review Committee at a re-hearing. There must be sound justification for changing finding and/or discipline."

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

in a locker prior to entering the secured area of a station jail. The deputy was found to have violated the Obedience to Laws as it pertains to Custody Division Manual, Security of Weapons policy. After the *Skelly* hearing, the discipline was reduced to two days while the charges remained the same.

6. (June) In September 2018, a deputy was served with a letter of intent to suspend him for five days for failing to report his use of force to a supervisor. He was found in violation of the Performance to Standards policy. In May 2019, after the *Skelly* hearing, a different chief entered into a settlement agreement with the deputy whereby the findings would remain the same, but the discipline would be reduced to a two-day suspension.

7. (July) In March 2019, a deputy was served with a letter of intent to suspend him for 10 days for violating the Family Violence and General Behavior policies. The deputy and his fiancé, who is also a department employee, began an argument resulting in both parties throwing and breaking household items. During the incident, both the deputy and his fiancé received minor injuries from fragments of broken objects during the argument. (Neither party threw items at each other but rather the broken objects resulted in minor cuts to both parties.) The deputy contacted the police who took a report, however, neither party wished to prosecute. Both the deputy and his fiancé were the subjects of an investigation and both parties received a 10-day suspension. After the *Skelly* hearing, the Department entered into a settlement agreement whereby the findings were modified by removing the Family Violence charge and the discipline was reduced to four days. (The deputy's fiancé did not request a *Skelly* hearing and her discipline of 10 days remained.)

8. (July) In February 2019, the Case Review panel reviewed a case involving a custody assistant at a station jail accused of not conducting security checks of inmates every 30 minutes and falsifying security check logs to state that she did conduct the checks. LASD did not investigate the case for violations of Government Code section 6201 Falsification of Government Records, and thus the case was not presented to the District Attorney's office for consideration of criminal charges. The panel concurred with the acting chief's recommendation finding the employee had violated the Obedience to Laws as it pertain to Inmate Safety Checks, Performance to Standards, and the Dishonesty/False Information in Department Records policies and should receive a 20-day suspension. In July 2019, after the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

charges remained the same, but the discipline was reduced to 15 days. However, it does not appear the case was re-presented to the Case Review panel for concurrence prior to entering into the settlement agreement to reduce the discipline as required by policy.⁹ Finally, because the Dishonesty/False Information in Department Records charge was founded, the facts upon which the charge is based may be discoverable in a criminal case under *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny.

9. (July) In May 2019, a custody assistant was served with a letter of intent to suspend him for five days for violating the Performance to Standards and the General Behavior policies. In May 2018, an inmate made a comment about the custody assistant's weight as he passed by. This resulted in the custody assistant getting upset and confronting the inmate by "chest bumping" him, stepping on the inmate's foot and causing a bruise,¹⁰ re-engaging the inmate two additional times requiring two other employees to hold him back and failing to notify a supervisor of the physical interaction between him and the inmate.¹¹ LASD did not investigate the case for criminal conduct, i.e., assault or battery and thus the case was not presented to the District Attorney's office for filing consideration. In July 2019, after the *Skelly* hearing, the Department entered into a settlement agreement with the custody assistant whereby the charges remained the same but the discipline was reduced to two days.

10. (July) In June 2019, a deputy was served with a letter of intent to suspend him for five days for violating the General Behavior, Conduct Towards Others, Family Violence, and Obedience to Laws as it pertains to Penal Code section 273.5(a), Corporal Injury to Spouse or Cohabitant policies. In October 2018, the deputy was arrested after he and his wife engaged in a verbal argument which led to a physical altercation when the deputy wrapped his arms around his wife while holding her against the refrigerator, physically restraining her in an effort to remove her wedding ring from her finger and forcefully pulling the ring off resulting in complaints of pain to her finger and shoulder. The District Attorney's office rejected

⁹ See footnote 7.

¹⁰ The custody assistant in his interview stated he did not know he had stepped on the inmate's foot.

¹¹ The Department did not charge the custody assistant with failing to report the force although based on the investigation and available CCTV it is not disputed that the custody assistant "chest bumped" and placed his left arm on the inmates chest causing the inmate to spin away from him. MPP 3-10/010.00 Use of Force Defined defines force as "any physical effort used to control or restrain another, or to overcome the resistance of another."

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

filing the case citing it was not provable beyond a reasonable doubt. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy reducing the discipline to three days and removing the founded Family Violence policy violation as a basis for discipline. Because domestic/family violence is an act of moral turpitude, policy violations for such conduct may be discoverable in a criminal case under *Brady* and its progeny.¹²

11. (August) In May 2019, the Department served a deputy with a letter of intent to suspend him for 15 days for failing to conduct proper inmate safety checks at a custody facility. In May 2018, during a Title 15 inmate safety check, an inmate signaled that his cellmate appeared to be choking. Upon entry into the cell, the inmate was found unresponsive. The deputy and his partner initiated Cardiopulmonary Resuscitation (CPR) pending the arrival of custody medical personnel and the Los Angeles City Fire Departments; however, the inmate was pronounced dead at the scene. During the investigation, it was determined that the deputy and his partner had failed to conduct 30-minute checks during their shift resulting in a 71-minute delay in one instance and a 113-minute delay in another. The deputies were found to have violated the Performance to Standards and Obedience to Laws, Regulations and Orders policy as it pertains to Custody Division Manual for Inmate Safety Checks. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the findings remained the same, but the discipline was reduced to 10 days.

Modifications Post Letter of Imposition

12. (June) In February 2012, a deputy conducted a vehicle traffic stop whereby large quantities of drugs and cash were found inside the vehicle. When asked by the District Attorney's office (on two separate occasions) whether the arrest involved a pretext stop utilizing an informant, the deputy falsely stated it did not. However, prior to an evidentiary hearing on the matter, the deputy admitted to the prosecution team that the arrest was based on a pretext stop. Believing the deputy had misrepresented the case, the District Attorney's office dismissed the felony charges against the suspect. The Internal Criminal Investigations Bureau (ICIB) of LASD conducted an investigation into allegations of filing a false police report in

¹² See *Donley v. Davi* (2009) 180 Cal.App.4th 447, 457-459; and the Los Angeles County District Attorney's Special Directive 18-01 on the Disclosure of Exculpatory and Impeachment Information, available at <http://da.lacounty.gov/sites/default/files/policies/Brady-sd18-02.pdf>

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

violation of Penal Code section 118.1 and perjury in violation of Penal Code section 118(a). In its evaluation of the case, the District Attorney's office, while declining to file charges, stated that there was evidence that the deputy was dishonest with and made false statements to the members of the prosecution team warranting attention on an administrative level.

In February 2017, the Case Review panel found the deputy to have violated Department policies pertaining to Use of Informants, Managing of Informants, Performance to Standards, Making False Statements During Departmental Investigations, Obstructing an Investigation, and Professional Conduct. In March 2017, the Department discharged the deputy.¹³

In April 2017, the deputy appealed his discharge to the Civil Service Commission. Six day of hearings containing witness testimony were held before the Department entered into a settlement agreement with the deputy in June 2019, whereby the discharge was reduced to a 25-day suspension and the charge of Failure to Make Statements and/or Making False Statements was modified from "Founded" to "Unresolved." If the false statements were provable but removed as part of the settlement agreement without a factual basis to do so, the underlying conduct giving rise to the false statements may also be discoverable under *Brady* and its progeny. However, the removal of the false statements charge might circumvent the requirement to disclose the *Brady* information if a full review of the deputy's personnel record is not conducted.

The Los Angeles County Department of Human Resources did not approve the settlement agreement the Department entered into with the deputy and the case is currently pending at the Civil Service Commission.

13. (June) In December 2017, a deputy was discharged for conduct that occurred in November 2014, when a group of deputies who had finished their shift, met at a bar to celebrate the end of the work week as well as the Thanksgiving holiday. While at the bar, the deputies consumed various amounts of alcoholic beverages. Based on the level of intoxication and conflict with other patrons at the bar, a female bartender asked them to leave. This resulted in a verbal altercation between her and a female deputy which then led to a physical altercation where the

¹³ See Lau, Maya, Posten, Ben, Knoll, Corina. "Documents detail misconduct by L.A. Sheriff's deputies." *Los Angeles Times*, published on December 8, 2017 (last accessed on October 21, 2019).

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

female deputy reached over the bar, grabbed the top of the bartender's head by her hair while pulling her towards the bar counter. Patrons and other deputies at the bar were able to separate them at which time the deputies all left the bar. A male deputy (a subject in the investigation) took the female deputy (also a subject in the investigation) in his car and drove to his residence. The male deputy failed to immediately notify a supervisor; he texted and/or called another deputy who was on duty to inquire if the station had received a call for service from the bar and wanted to ensure that if there was a call it should be resolved by determining there was no crime; asking that deputy that he be kept posted when the scene was clear as they had left a car behind; asked that deputy about the criminal investigation and what statements the bartender had made; deleted text messages after criminal investigators advised him they were aware he had sent texts inquiring about the investigation; and admitted to IAB he deliberately deleted the texts messages with the on-duty deputy so that the criminal investigators could not view them.

He was found to have violated the following policies: General Behavior, Off-Duty Incidents, Reporting Information, Obstructing an Investigation/Influencing a Witness, Cooperation During a Criminal Investigation and Unnecessary Interference with an Investigation. Both subjects of the investigation, i.e., the male and female deputy were discharged.

The male deputy appealed to the Civil Service Commission and the hearing began on December 2018 and was scheduled to continue in March 2019. On May 8, 2019, the Department entered into a settlement agreement with the deputy whereby the discipline was reduced to 25 days and the charges of Obstructing an Investigation/Influencing a Witness and Cooperation During a Criminal Investigation were changed to "Unresolved" while all other charges remained "Founded."

The Los Angeles County Department of Human Resources did not approve the settlement agreement the Department entered into with the deputy and the case is currently pending at the Civil Service Commission.

14. (June) A deputy was discharged in August 2018 for the Making False Statements During Departmental Investigations, the Honesty Policy, and Obedience to Laws policies when she failed to remain home while out injured on-duty as evidenced by taking a real estate examination, showing numerous homes as a realtor and earning over \$24,000 while receiving workers compensation. The case

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

was submitted to the Healthcare Fraud Division of the District Attorney's office who declined to file the case for insufficient evidence. During the deputy's interview, she repeatedly lied to the internal affairs investigators by claiming she did not leave the house or did not remember leaving the house during her time while out injured on-duty. In September 2018, the deputy appealed her discharge to the Civil Service Commission. In June 2019, while the case was pending before the Civil Service Commission, the Department entered into a settlement agreement with the deputy whereby the discharge was reduced to 30 days and the "Founded" charges of Dishonesty and Making False Statements were changed to "Unresolved" while the remaining charges remained the same. If the false statements were provable but removed as part of the settlement agreement without a factual basis to do so, the underlying conduct giving rise to the false statements may also be discoverable under *Brady* and its progeny. However, the removal of the false statements charge might circumvent the requirement to disclose the *Brady* information if a full review of the deputy's personnel record is not conducted.

The Los Angeles County Department of Human Resources did not approve the settlement agreement the Department entered into with the deputy and the case is currently pending at the Civil Service Commission.

15. (July) In April 2018, a deputy was served with a letter of imposition suspending him for 15 days for violating the Unreasonable Force, Performance to Standards, and Obedience to Laws as it pertains to Tactical Incidents and Force Prevention principles policies. The case involved an incident where the deputy was accused of failing to assume a better tactical position ensuring closer proximity to his partner, waving his gun at detainees while holding them at gunpoint during the same encounter, walking toward a possibly armed suspect while holding a Taser and failing to assume a tactical position of cover and firing a Taser and striking the suspect who did not pose an immediate threat as he walked in the opposite direction from the deputy while holding his hands up by his head in a non-threatening manner. In July 2018, the Civil Service Commission granted the deputy a hearing. In July 2019, the Department entered into a settlement agreement whereby the discipline was reduced to a one-day suspension and the charges of Unreasonable Force and Force Prevention Principles were modified to a finding of "Unresolved." If unreasonable force was provable but removed as part of the settlement agreement without a factual basis to do so, the underlying conduct giving rise to the unreasonable force may also be discoverable under *Brady* and its progeny. However, the removal of the unreasonable force charge might circumvent

**CASES IN WHICH FINDINGS WERE MODIFIED AND/OR
DISCIPLINE WAS CHANGED AFTER LETTER OF INTENT WAS ISSUED**

the requirement to disclose the *Brady* information if a full review of the deputy's personnel record is not conducted.

16. (August) In August 2018, a custody assistant assigned to a patrol station was discharged for failing to complete Title 15 inmate safety checks every 30 minutes and for falsely logging that the checks had been completed. The custody assistant was found to be in violation of the Obedience to Laws as it pertains to Inmate Safety Checks, Performance to Standards and Dishonesty/False Information in Department Records policies. While the case was pending before the Civil Service Commission, the Department entered into a settlement agreement with the Deputy whereby the charges remained the same, but the discipline was reduced to a 30-day suspension.

The Los Angeles County Department of Human Resources did not approve the settlement agreement the Department entered into with the deputy and the case is currently pending at the Civil Service Commission.

**MONITORED CASE REVIEW CASES IN WHICH
THE LETTER OF IMPOSITION WAS SERVED**

1. (June) In April 2019, the Case Review panel reviewed a case involving a deputy involved in an off-duty hit and run traffic collision while under the influence of alcohol and while in possession of a firearm. Because the discipline was modified (pre-approved for reduction by the Case Review panel) before the letter of imposition was served on the deputy, the summary of this case is set forth in No. 2 of Attachment B.
2. (June) In January 2019, the Case Review panel reviewed a case involving a deputy who while off-duty drove a County vehicle while under the influence of alcohol while in possession of his firearm. The panel concurred with the chief's recommendation of discharge. Because the discipline was reduced to 25 days after the *Skelly* hearing, a more detailed summary of the case is set forth as No. 3 of Attachment B.
3. (June) In April 2019, the Case Review panel reviewed a case involving a civilian employee who made false statements about his working hours and falsified his official timecard. The panel concurred with the chief's recommendation finding the employee had violated the Performance to Standards, Honesty Policy, False Statements and False Information in Records and should be discharged from the Department. In June 2019, after the *Skelly* hearing, the Department served the employee with a letter of imposition setting forth the original findings and imposing the originally-recommended discharge.
4. (July) In February 2019, the Case Review panel concurred with a 20-day suspension on a case involving a custody assistant at a station jail who failed to conduct safety checks and falsified security check logs. Because the discipline was reduced to a 15-day suspension after the *Skelly* hearing, a more detailed summary of the case is set forth as No. 8 of Attachment B
5. (July) In January 2019, the Case Review panel reviewed a case involving a deputy accused of brandishing a firearm in public, for which he was arrested and charged. The deputy pled no contest to a lesser charge of Penal Code section 415(2) Disturbing the Peace. The case stemmed from an incident that occurred during the exchange of visitation between the deputy and his ex-girlfriend with whom he had two children. The deputy was upset he was woken up from sleep at the time of the exchange and was refusing to open the door. As he came out to confront his ex-girlfriend and the two friends she was with, he angrily pulled out a

**MONITORED CASE REVIEW CASES IN WHICH
THE LETTER OF IMPOSITION WAS SERVED**

gun while berating her. Although he never pointed the gun towards his ex-girlfriend, he waved the gun up and down in a manner where the barrel was pointed at her several times. The panel concurred with the chief's recommendation finding the deputy had violated the General Behavior, Conduct Toward Others, and Obedience to Laws policies and should be discharged. The Department had previously suspended the deputy for 20 days for two prior instances of domestic violence and false statements. In July, after the *Skelly* hearing, the employee was served with a letter of imposition setting forth the original findings and imposing the originally-recommended discharge.

6. (July) In January 2019, the Case Review panel reviewed a case involving a deputy accused of punching his wife in the eye resulting in the swelling and bruising of her eye and cheek, refusing to open the door for the police officers who arrived responding to the 911 call for service, telling his wife if she opened the door he would kill himself, telling the police he only had a verbal argument with his wife when in fact it was a physical altercation and denying he punched his wife. After the deputy was charged with one count of misdemeanor Corporal Injury to a Spouse under Penal Code section 273.5(a), he encouraged his wife to change her story in addition to making false statements to IAB investigators by stating he did not intentionally punch his wife. The panel concurred with the chief's recommendation finding the deputy had violated the General Behavior, Disorderly Conduct, Off-Duty Incident, Family Violence, Cooperation During a Criminal Investigation, Obstructing an Investigation/Influencing a Witness, Honesty Policy, Dishonest Statements, Dishonesty/Failure to Make Statements and Making False Statements During Departmental Internal Investigations policies and should be discharged. On July 9, 2019, after the *Skelly* hearing, the Department served the employee with a letter of imposition setting for the original findings and imposing the originally recommended discharge. On July 23, 2019, the Department entered into a settlement agreement wherein in lieu of discharge, the Department allowed the deputy to resign, the letter of imposition was rescinded and removed from the deputy's personnel file. Because the charges remained "Founded" including the domestic/family violence, dishonesty and false statements, the facts upon which the charge is based may be discoverable in a criminal case under *Brady* and its progeny.

7. (July) In April 2019, the Case Review panel reviewed a case involving a sergeant accused of committing various Policy of Equality violations including speaking loudly in a hallway about a female deputy who could overhear his comments regarding her need to breastfeed her infant, sending her inappropriate

**MONITORED CASE REVIEW CASES IN WHICH
THE LETTER OF IMPOSITION WAS SERVED**

text messages asking her what type of underwear she was wearing and that she needed to be ready for when they actually hooked up, uttering sexual jokes and/or pranks against peers in the presence of subordinates, making inappropriate and/or harassing comments about a female custody assistant about her breast pumping including stating "Yum, now I'm craving milk and cookies" and similar comments while she pumped her breasts and stood outside her closed door. The sergeant was also accused of retaliatory conduct when he told the female deputy that he would find out "who said what" by getting the transcripts in reference to the investigation into his conduct and that he would sue anyone who talked bad about him. The panel concurred with the chief's recommendation finding the sergeant had violated the Obedience to Laws, Regulations and Orders as it pertains to Relationships with Subordinates, Policy of Equality – Sexual Harassment, Inappropriate Conduct Towards Others, General Behavior and Inappropriate/Disorderly Conduct policies and should be demoted from the rank of sergeant to the rank of a deputy sheriff. In June 2019, after the *Skelly* hearing, the Department entered into a settlement agreement whereby the charges remained the same but the discipline of demotion from a sergeant to a deputy sheriff was modified to remain in effect for a period of one year with a presumption of restoration if the subject completed his training classes and had no further founded investigations.

8. (July) In April 2019, the Case Review panel reviewed two cases involving a deputy regarding alcohol-related violations. In the first case, the deputy was arrested and convicted of driving under the influence of alcohol with a high blood alcohol concentration. The panel concurred with the chief's recommendation finding the employee had violated General Behavior and Obedience to Laws policies. In the second case, the deputy was accused of being under the influence of alcohol at work. The panel again concurred with the chief's recommendation finding the employee had violated General Behavior, Use of Alcohol, and Performance to Standards policies and should be discharged. In July 2019, the Department served the employee with a letter of imposition of discharge.

9. (July) In July 2019, the Case Review panel reviewed a case involving a telephone operator accused of maintaining an unauthorized personal relationships/association with and communicating, visiting and sending mail containing sexually explicit content to four inmates incarcerated in two state prisons. The panel concurred with the chief's recommendation finding the employee had violated the Fraternalization and Prohibited Association and General Behavior policies and should be discharged. In July 2019, after the letter of intent but before

**MONITORED CASE REVIEW CASES IN WHICH
THE LETTER OF IMPOSITION WAS SERVED**

the letter of imposition had been served, the employee submitted her resignation to the Department.

10. (August) In March 2012, a deputy was involved in an on-duty deputy-involved shooting. In August of 2013, after review by the Executive Force Review Panel (EFRC), the panel recommended the deputy should be discharged after finding the force used against the uncooperative and armed suspect was reasonable and justified, however, the tactics used by the deputy were not within Department policy. Specifically, the panel found the deputy had violated the Department's Performance to Standards policy when he displayed a lack of knowledge regarding his authority to enforce the appropriate municipal code sections regarding drinking an alcoholic beverage within the curtilage of private property and displaying a lack of knowledge regarding his authority to enter upon a fenced-in yard within the curtilage of a residence without the owner's permission or a legal privilege. The panel further found that the deputy had not established reasonable suspicion or probable cause that the suspect was involved in criminal activity, the deputy was denied access by the suspect who had authority to grant or deny consent. Department policy requires that any discipline of 16 or more days be presented to a Case Review panel. However, at the time of the EFRC panel's finding, the deputy had already been discharged on a previous administrative investigation case. Therefore, the case was inactivated.

Subsequently, the deputy appealed the prior discharge case and was re-employed after the Civil Service Commission reduced his discharge to 15 days. Upon becoming a Department employee again, this case was presented to the Case Review panel in March 2019. The panel concurred with the chief's recommendation that instead of discharge as originally recommended by the EFRC panel, the discipline should be reduced to 30 days. In August 2019, after the *Skelly* hearing, the employee was served with a letter of imposition setting forth the original findings of the EFRC panel but imposing a 30-day discipline as recommended by the current chief and concurred with by the Case Review panel.

11. (August) In July 2019, the Case Review panel reviewed a case involving a deputy who tested positive for alcohol while on-duty during a random drug test pursuant to a Departmental Agreement she had signed in July 2018. The panel concurred with the chief's recommendation finding the employee had violated the General Behavior and Use of Alcohol policies and should receive a 30-day suspension. The deputy did not exercise her right to a *Skelly* hearing and was

**MONITORED CASE REVIEW CASES IN WHICH
THE LETTER OF IMPOSITION WAS SERVED**

served with a letter of imposition setting forth the original findings and imposing the originally-recommended 30-day suspension.

12. (August) In May 2019, the Department served a deputy with a letter of intent to discharge him for policy violations including Performance to Standards, General Behavior, Obedience to Laws, and Use of Alcohol as it pertains to Penal Code section 647(f) Drunk in Public. The deputy, while driving to work, had stopped and purchased alcohol which he consumed while sitting in his vehicle in the parking lot of his work location prior to the start of his shift at 8:00 a.m. The deputy then changed into his uniform which included his duty weapon. Shortly thereafter he was found to be sleeping in the jury room. After he was woken up, he went to his supervisor's office where he admitted to having emotional and alcohol problems and requested help. The deputy was transferred to the hospital where two preliminary breath sample results showed the deputy had a BAC of .241% and .248% respectively. He was arrested and charged with Penal Code sections 23152(a) and (b) for Driving Under the Influence of Alcohol. Through plea negotiations he pleaded to a Drunk in Public charge. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy which included a "Last Chance Agreement" whereby the charges remained the same, but the discipline was reduced to a 30-day suspension. As part of the agreement the deputy is subject to random alcohol and drug testing and must not consume alcohol of any kind on or off duty for five years. Having submitted a signed form for his resignation, should the deputy violate any terms of the agreement, the resignation shall go into effect immediately without any right to appeal.

13. (August) In June 2019, the Case Review panel reviewed a case involving a custody assistant accused of reporting for duty under the influence of alcohol. While working at a patrol station, a lieutenant smelled the odor of alcohol while speaking to the custody assistant who was ordered to submit to a breath test which showed a 0.16% BAC result. The subject had a prior 25-day suspension as result of an arrest for Driving Under the Influence. The panel concurred with the chief's recommendation finding the custody assistant violated the Performance to Standards, General Behavior, Obedience to Laws and Use of Alcohol policies and should be discharged. After the *Skelly* hearing, the Department served the employee with a letter of imposition setting forth the original findings and imposing the originally-recommended discharge.