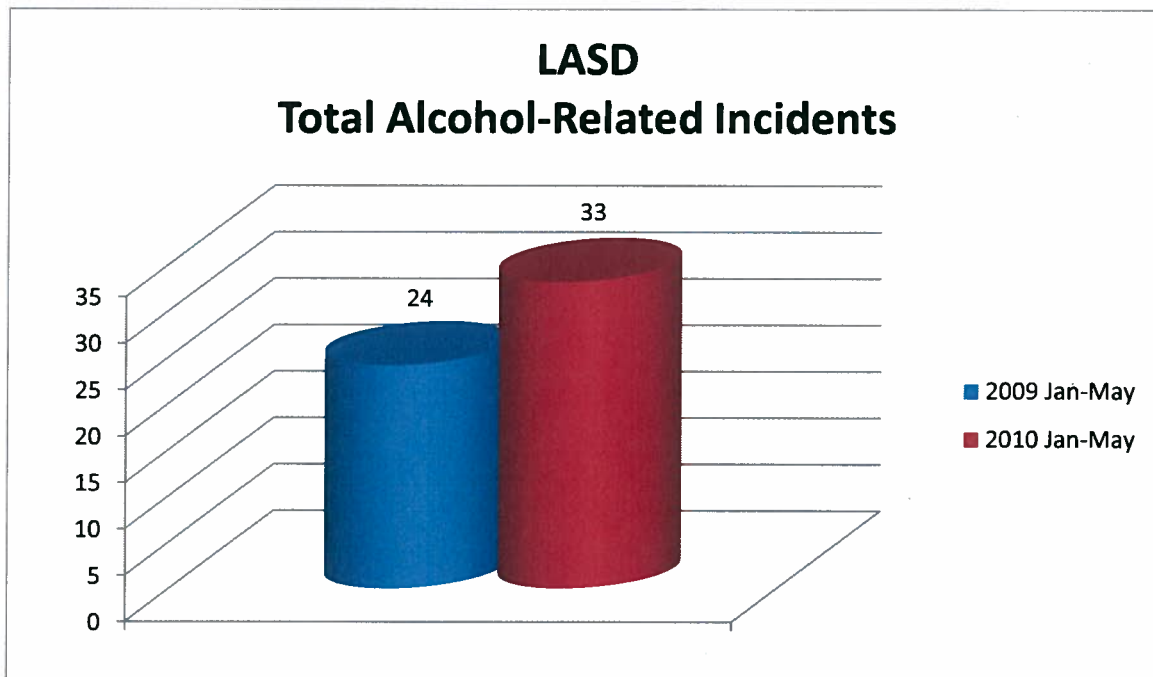


Alcohol-Related Incidents – 2010 UPDATE

Office of Independent Review: Supplemental Report

In our Eighth Annual report, we write optimistically that alcohol-related incidents involving Los Angeles Sheriff's Department employees had seen a 10% drop in alcohol-related incidents in 2009 from the year before. We attributed the drop to the increasingly stern approach the Department had taken in addressing alcohol-related incidents, including a new protocol requiring every arrestee employee to meet with the Undersheriff, the second highest ranking officer in the organization. Unfortunately, in tabulating the first five months in May of this year, not only has the downward trend been reversed, but the numbers show a remarkable surge. As shown in the chart below, as of the end of May, alcohol-related incidents are up 37.5% compared to the first five months of 2009.



In addition to the number of incidents escalating to unprecedented levels, the nature of some of the alcohol-related incidents that have occurred over the more recent years is particularly disturbing. As the illustrations reveal below, deputies involved in alcohol-related incidents have been arrested as a result of horribly embarrassing and problematic behavior. Some have endangered themselves, their children, and other motorists by driving under the influence of alcohol. Some have been intoxicated on duty, on patrol, and while evacuating fire victims. Some have been belligerent, demeaning, and insulting to arresting officers who were simply trying to enforce the law fairly and consistently. While most are one time offenders, some have repeatedly gotten into incidents involving alcohol. While many of the incidents involved younger deputies in custody assignments, the occurrence of alcohol-related incidents

runs indiscriminately across the Department, impacting on every Division and ensnaring mature officers, first-line supervisors, and females alike.

- An off-duty deputy was arrested and later pled guilty to DUI and nolo contendere to child endangerment. The deputy, with a blood alcohol content of .19, had driven her two minor children to a public location to meet their father. When the children exited their mother's vehicle, her fourteen year old son flagged down a police officer and told him that his mother was "driving drunk", ran a red light, and almost got into an accident. The officer initiated a traffic stop but the deputy failed to pull over immediately. When the deputy finally did stop her vehicle, she immediately exited and started to walk away. She was ordered to stop and return to the vehicle. The police report noted that she displayed the objective symptoms of intoxication (i.e. bloodshot eyes, slurred speech and odor of alcohol on her breath) and admitted to the officer that she had consumed "a couple shots of Tequila" prior to driving. Seven months after this incident, the same deputy was arrested again for driving under the influence. During that incident, the deputy was detained by a civilian after a minor traffic collision with a parked car in a shopping center parking lot. Several months after the second DUI arrest, the same deputy was arrested for negligent discharge of her firearm while she was off duty and under the influence of alcohol.
- An off-duty deputy was arrested for being drunk in public. He had been drinking at a bar, by himself, for several hours. Upon leaving the bar, the department member allegedly passed out on the sidewalk and was found by local authorities lying in a puddle of his own vomit. The local agency made contact with the department member, but he did not advise them that he was a peace officer. The local agency attempted to get the department member into a taxi to go home, but the department member would not go home and became belligerent. The local agency summoned the assistance of their Sergeant and during a pat-down of the department member, the local agency found a loaded firearm, a set of illegal brass-knuckles and his LASD badge. The department member remained uncooperative with the local authorities, cursing at authorities and requiring assistance to enter and exit the patrol vehicle due to his refusal to walk. Once authorities located the department members' vehicle, they noticed the registration tags were expired and impounded the car. Inside the vehicle, the authorities discovered several items belonging to the County including a Taser, air soft guns, knives and personal identification of three individuals. The department member pleaded nolo contendere to the drunk in public charge.

- During a special operation to evacuate residents during a fire, an on-duty deputy was found intoxicated. The Department became suspicious when the deputy fell down and began acting strangely. He was ordered to submit to an alcohol breath test and was found to be legally drunk. During the internal investigation, the deputy admitted to bringing alcohol to his assignment and informed the Department as to how he was able to drink while working, using a Gatorade bottle which contained vodka. The deputy was not reported to have been driving any vehicles while working, but did have personal contact with members of the public during the evacuations.
- An off duty deputy was arrested by another agency for DUI. During the traffic stop, the deputy identified herself as a peace officer and asked them why they were arresting her since she was one of them. While officers tried to have the deputy perform the field sobriety tests, she repeatedly interrupted them and made negative remarks about their agency. She informed them that a deputy would never do what they were doing and would let a fellow officer be on his way. The deputy gave a blood test which registered a BAC of .19%.
- An on duty deputy was working in a radio car with a trainee who detected alcohol on the training officer's breath. After driving to the first call for service, the trainee could still smell the alcohol and noticed his speech was somewhat mumbled. The trainee text messaged her training officer who advised her to report the situation to the watch commander. She did so and the deputy was ordered to submit to an alcohol test which registered a BAC of .186%. Three months later, the same deputy notified the station that he would be late to work. As he walked into the station, the deputy met a lieutenant who detected an odor of alcohol emanating from his breath. Eventually, the deputy admitted to drinking beer earlier in the day. The deputy was asked to take a blood alcohol test and refused, stating he was not on duty. Because he had been admittedly drinking, the station command made arrangements to have the deputy driven home.
- An off duty deputy was returning from a friend's birthday party with his wife and two young children when he was stopped for failing to use his headlights and weaving in and out of lanes. He failed his field sobriety tests and submitted to a blood test. He was arrested for DUI and child endangerment.
- An off duty sergeant driving home from an evening at a bar was stopped for violating minor traffic violations. The arresting officer smelled alcohol and asked the sergeant to perform field sobriety tests. He failed those tests, and submitted to a breathalyzer,

which showed his blood alcohol content to be .15, nearly twice the legal limit. He was arrested for DUI. His female passenger was determined to be sober and was permitted to drive the vehicle home. She told the arresting officer she had offered to drive the sergeant's vehicle, but that he had refused.

- While off duty, a deputy was arrested by another California law enforcement agency for driving under the influence of alcohol. Officers noticed the deputy because he collided with a street light pole. When officers arrived the deputy was sitting in the driver's seat revving his car's engine and trying to put the car in reverse. Officers had to tell the deputy several times to turn over his keys to them and had to assist him in exiting the car and walking to the curb. Subsequent chemical blood tests indicated a blood-alcohol content of 0.34%. The deputy pleaded nolo contendere to driving under the influence of alcohol.
- An on duty deputy assigned to a special unit was arrested by another law enforcement agency for driving under the influence of alcohol. The deputy was driving a County vehicle in the early morning hours and on his way to an assignment. He ran a red light and collided with another vehicle. Two passengers in the other vehicle sustained injuries. Subsequent tests indicated a blood-alcohol content of 0.078%. Pursuant to a plea agreement, the two felonies were reduced to misdemeanors and the deputy pled nolo contendere.
- A deputy called in sick and it was later learned that she was out of state. While off duty, the deputy became highly intoxicated at a casino and entered a "booty shaking" contest. During the contest, the deputy engaged in highly vulgar behavior and was asked to leave by a casino security officer. The deputy refused to leave and had to be physically dragged from security staff from the area. The deputy continued to refuse to leave hotel premises and was eventually placed under arrest for trespassing.
- An off duty deputy drank for hours at several restaurants. At some point during a verbal altercation with his girlfriend, his gun came into play and he ended up firing one round in a public area. The deputy was arrested for assault with a deadly weapon and being drunk in public. After he was arrested and at the jail, the deputy was belligerent and disrespectful to arresting officers. A subsequent blood alcohol reading registered as .16%.

- An off duty deputy was arrested for driving while under the influence. The deputy was either unwilling or unable to submit to a breath test. When the arresting agency attempted to administer a blood test, he kept moving his arm, preventing the nurse from drawing blood in order to perform a blood test.
- An off duty deputy was arrested for being drunk and disorderly after being tossed out of a bar. Because she kept trying to enter the bar, police were called. When police found her, she was in an alley trying to open different car doors and in a loud fight with her boyfriend who was an LASD deputy trainee at the time of the incident. The police agency placed the deputy in a cab in order for her to be driven home. The same police agency received a call later from the cab driver who said his passenger kept changing destinations and refusing to pay the fare. Arriving police were informed that the deputy had urinated in public and had tried to get into a truck but was stopped by passersby who thought she was too intoxicated to drive. The deputy was arrested and belligerent to the arresting officers. When the LASD unit commander arrived, the deputy was repeatedly pounding on the cell door.
- An off duty deputy was arrested for driving under the influence after being involved in a single vehicle traffic collision. As a result of the collision, the deputy required medical treatment.
- Two off duty deputies were arrested for creating a disturbance by another police agency. According to the police report, the two deputies were involved in a fight with others at a bar restaurant.
- An off duty deputy was arrested for driving under the influence by another agency. In the car was another off duty deputy who had passed out from alcohol intoxication. The deputy was belligerent with the arresting agency. The deputy had been previously convicted for driving while intoxicated. Subsequent to his second conviction, the deputy was charged by the District Attorney for negligently discharging his weapon off-duty. During this third incident, the deputy was under the influence of alcohol.
- Another off-duty deputy was arrested for negligently discharging his weapon off-duty. During this incident, the deputy was under the influence of alcohol.

- An off-duty deputy was arrested after he was involved in a traffic collision in his rental car. He submitted to a blood alcohol test and registered at least .14%. The deputy pleaded guilty to misdemeanor reckless driving.
- An off-duty deputy was arrested and eventually pleaded guilty for driving while under the influence of alcohol. Several years prior, he had pleaded no lo contendre to vehicular manslaughter. Evidence existed that alcohol was involved in that incident. Instead of suspending the officer, the Department settled the case without formal discipline. Several years after that, the Department imposed a significant suspension on the deputy as a result of being involved in an injury traffic collision involving another off duty deputy. The Department found in that case that the deputy had responded in an effort to persuade the investigating officer not to charge the off duty deputy and with attempting to prevent the off duty deputy from cooperating and being truthful with the officer. The Department found that the deputy was intoxicated during the second incident. The suspension from the second incident was overturned by the Civil Service Commission because the hearing officer believed the deputy instead of the arresting officer.

The positive news is that these alarming new numbers has again caused the Department to redouble its efforts to address this issue. At the Sheriff's behest, the Undersheriff convened a subcommittee of executives to address the issue. While the Department (working with OIR) has already produced a working draft of new policies, procedures and disciplinary guidelines, the idea now is to increase the penalties for alcohol-related incidents for the more egregious incidents, such as when a deputy is belligerent with arresting authorities, refuses to cooperate with the alcohol-related investigation, or where there are other particularly aggravating circumstances. OIR will continue to report on this issue and the degree to which the Department responds and achieves progress in reducing these deeply concerning incidents.