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March 20, 2020

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

FROM: Max Huntsman
Inspector General

SUBJECT: REPORT-BACK ON LASD INTERNAL ADMINISTRATIVE
INVESTIGATIONS AND DISPOSITIONS OF DISCIPLINARY ACTIONS
FOR SEPTEMBER, OCTOBER and NOVEMBER 2019

Herein please find the Office of Inspector General's Report-Back on LASD Internal Administrative Investigations and Dispositions of Disciplinary Actions for the months of September, October and November 2019.

INACTIVATION OF ADMINISTRATIVE INVESTIGATIONS

Based on our review of LASD records, LASD inactivated five administrative investigations in accordance with LASD's policies during the months of September, October and November 2019.¹ Of those five inactivated cases, one was inactivated

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

due to the subject employee's resignation. The remaining four cases inactivated by the Department contained memoranda detailing the reasons for the inactivation of the cases as required by Department policy. Because these inactivations are within Department policy, we are not providing a summary of those cases.

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

In September, October and November 2019, the Department modified the findings and/or discipline assessed as outlined in the original letters of intent for four employees. A summary of each of those matters is included in Section A.

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

In September, October and November of 2019, the Department imposed discipline on seven employees in Case Review cases 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.

One case is notable, in which the Department reduced discipline from discharge to suspension days after the employee had appealed to the Civil Service Commission and the Hearing Officer had recommended that the discharge be sustained. However, the Los Angeles County Department of Human Resources (DHR) did not approve rehiring the employee in this case.

A brief summary of each case is included in Section B.

Consistent with existing protocols, the Office of Inspector General 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

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.

The Honorable Board of Supervisors

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report being publicly released for any reason. The Department did not identify any inaccurate information or object to the information being publicly released.

MH:BS

Attachments

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

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

1. (September) In June 2019, the Department served a deputy with a letter of intent to suspend him for five days for placing himself and other deputies in a dangerous position and harm's way with an active shooter. The deputy placed himself in danger by driving alone alongside the active shooter and attempting to detain the suspect without back-up. He further endangered other deputies by contacting the suspect without back-up and forcing responding deputies, who were formulating a plan, to take immediate action to rescue the deputy. The Department found the deputy violated the Obedience to Laws, Regulations and Orders policy as it pertains to Tactical Incidents, and the Performance to Standards policy. 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 a two-day suspension.

2. (September) In June 2019, the Department served a sergeant with a letter of intent to suspend her for 15 days for recording inaccurate information in her Deputy Daily Work Sheets in regards to the start and end times of her shift, not being physically present at her assigned work location while working overtime, reporting for duty and performing her duties in civilian attire on multiple occasions and using department personnel to provide her and her family members transportation to the airport while on-duty and while using a County vehicle on multiple occasions. The Department found the sergeant violated Performance to Standards, Obedience to Laws, Regulations and Orders, Use of County Vehicles and Unauthorized Persons – County Vehicles policies. 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 five-day suspension. The deputy was not found to have been dishonest. The case was not submitted to the District Attorney for consideration of a criminal filing for falsification of records.

3. (October) In June 2019, the Case Review panel reviewed a case involving a deputy accused of passing correspondence, food and/or contraband between two high profile murder suspects while they were in a courthouse lock-up area without obtaining permission from the judicial officer presiding over the court case. The panel concurred with the chief's recommendation finding the deputy had violated the General Behavior, Performance to Standards, Obedience to Laws, Regulations and Orders as it relates to Communication with Persons in Custody policies and should be discharged. After the *Skelly* hearing, the Department entered into a

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settlement agreement with the deputy whereby the findings remained the same,
but the discipline was reduced to a 30-day suspension.²

² Because the Case Review panel pre-authorized a settlement agreement to reduce the discharge to a 30-day suspension at the time of its discharge decision, the case was not re-visited by the panel at a later date per Manual of Policy and Procedures section 3-04/020.80 which states that if a division chief 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 Committee, then the chief shall present the reason(s) to the Case Review Committee at a re-hearing.

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THE LETTER OF IMPOSITION WAS SERVED**

1. (September) In August 2019, the Case Review panel reviewed a case involving a deputy accused of developing a personal relationship with and actively assisting a civilian who was involved in illegal marijuana trade, a private security business and debt collection. The panel concurred with the chief's recommendation finding the deputy had violated the General Behavior, Prohibited Association, Prohibited Employment and Making False Statements During Departmental Internal Investigations policies and should be discharged. In September 2019, after the *Skelly* hearing, the Department served the deputy with a letter of imposition setting forth the original findings and imposing the originally recommended discharge.

2. (September) In July 2019, the Case Review panel reviewed a case involving a deputy accused of bringing a cellular phone into a station jail and providing an inmate access to it, providing non-prescription medication and water to the inmate, facilitating the bail of the inmate by personally contacting a friend of the inmate, creating an officer safety concern by leaving the cell door of the inmate open while standing several feet away, providing an Uber voucher to the inmate, failing to clearly inform the watch sergeant of his relationship with the inmate and maintaining his relationship with the inmate through text and telephonic communication for approximately eight days after the inmate was released. The panel concurred with the chief's recommendation finding the deputy had violated Obedience to Laws, Regulations and Orders in pertaining to Wireless Communication Devices, Performance to Standards, and Fraternization/Prohibited Association policies and should receive a 30-day suspension. The deputy did not request a grievance hearing and the Department served the deputy with a letter of imposition setting forth the original findings and imposing the originally recommended 30-day suspension.

3. (September) In June 2019, the Case Review panel reviewed a case involving a deputy accused of Driving Under the Influence (DUI) with a Blood Alcohol Content of .16% resulting in a non-injury traffic collision while off-duty. The deputy had previously served a 20-day suspension in 2006 for Public Intoxication, Disorderly Conduct and Derogatory Language policy violations. The panel concurred with the chief's recommendation finding the deputy had violated the General Behavior, Obedience to Laws, Regulations and Orders as it pertains to Driving Under the Influence of Alcohol or Drugs policies and should receive a 30-day suspension. In September 2019, after the *Skelly* hearing, the Department served the employee

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

4. (October) In August 2016, the Case Review panel reviewed a case involving a deputy who was involved in an altercation with his girlfriend. The altercation initially began over the issue of infidelity. The verbal altercation soon turned physical as the parties fought over possession of a cell phone. During the fight, the deputy pinched his girlfriend and caused small scratches to his girlfriend's arm. He also vandalized property at the scene. The deputy was arrested and charged with one misdemeanor count of domestic battery. The deputy subsequently entered a plea of "Nolo Contendere" for the charge and was placed on three years of summary (misdemeanor) probation. The panel concurred with the chief's recommendation finding that the deputy had violated the General Behavior, Family Violence, Making False Statements during Departmental Internal Investigations, and Obedience to Laws, Regulations and Orders as it pertains to Domestic Battery policies. In October 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.

5. (October) In September 2019, the Case Review panel reviewed a case involving a deputy accused of Driving Under the Influence with a Blood Alcohol Content of .13% resulting in a single vehicle traffic collision wherein his vehicle turned over causing injury to his vehicle's passenger. The deputy entered a plea of "Nolo Contendere" to one misdemeanor count of Vehicle Code 23152(b), Driving Under the Influence of Alcohol and was sentenced to 60 days in jail. This was the deputy's second DUI arrest and conviction. At the time of this DUI arrest and conviction, he was on misdemeanor probation for his first DUI. The panel concurred with the chief's recommendation finding the deputy had violated the General Behavior, Obedience to Laws, Regulations and Orders as it pertains to Driving Under the Influence of Alcohol policies and should be discharged. The deputy submitted his resignation prior to the Department serving the letter of imposition of discharge.

6. (November) In October 2019, the Case Review panel reviewed a case involving a civilian employee accused of failing to uphold the highest standards of integrity and ethics by leaving the scene of an accident involving her Department vehicle, going to an auto parts store where she purchased a can of spray paint with the intent to cover up the vehicle damage, spray painting over the damaged fender in an attempt to avoid detection of the damage and any possible punishment for

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the accident and attempting to remove the spray paint used to cover up damage to the county vehicle prior to reporting the accident to a supervisor. The panel concurred with the chief's recommendation finding the employee had violated the Obedience to Laws, Regulations and Orders, False Statements, General Behavior and Performance to Standards policies and should be discharged. In November 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.

7. (November) In July 2019, the Case Review panel reviewed a case involving a civilian employee accused of Driving Under the Influence of alcohol in a county vehicle while on duty with a Blood Alcohol Content of .19% resulting in a traffic collision with minor injuries to another person. The panel concurred with the chief's recommendation finding that the employee had violated the General Behavior, Obedience to Laws, Regulations and Orders as it pertains to Driving Under the Influence 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.

8. (October) In April and May 2016, a custody assistant, while on duty, failed to conduct proper inmate safety checks and falsified jail logs indicating he had conducted safety checks on numerous occasions. In April 2016, the custody assistant logged he had walked one row thirteen times when he had only walked it four times and another row thirteen times when he had only walked it six times. In May 2016, the custody assistant logged he had walked two rows 11 times when he had never walked the rows at all.

In June 2017, the Case Review panel found the custody assistant had violated the Performance to Standards, Obedience to Laws, Regulations and Orders as it pertains to Inmate Safety Checks and False Information in Records policies. In August 2017, the Department discharged the custody assistant.

In August 2017, the custody assistant appealed his discharge to the Civil Service Commission. Nine days of hearings containing testimony were held and in March 2019, the Hearing Officer recommended to sustain the discharge.

**MONITORED CASE REVIEW CASES IN WHICH
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In August 2019, the Department entered into a settlement agreement with the custody assistant whereby the founded charges remained the same, but the Department reduced the discharge to a 10-day suspension.

County Counsel did not approve the settlement agreement the Department entered into with the employee and he has not been reinstated as an employee.