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July 22, 2019

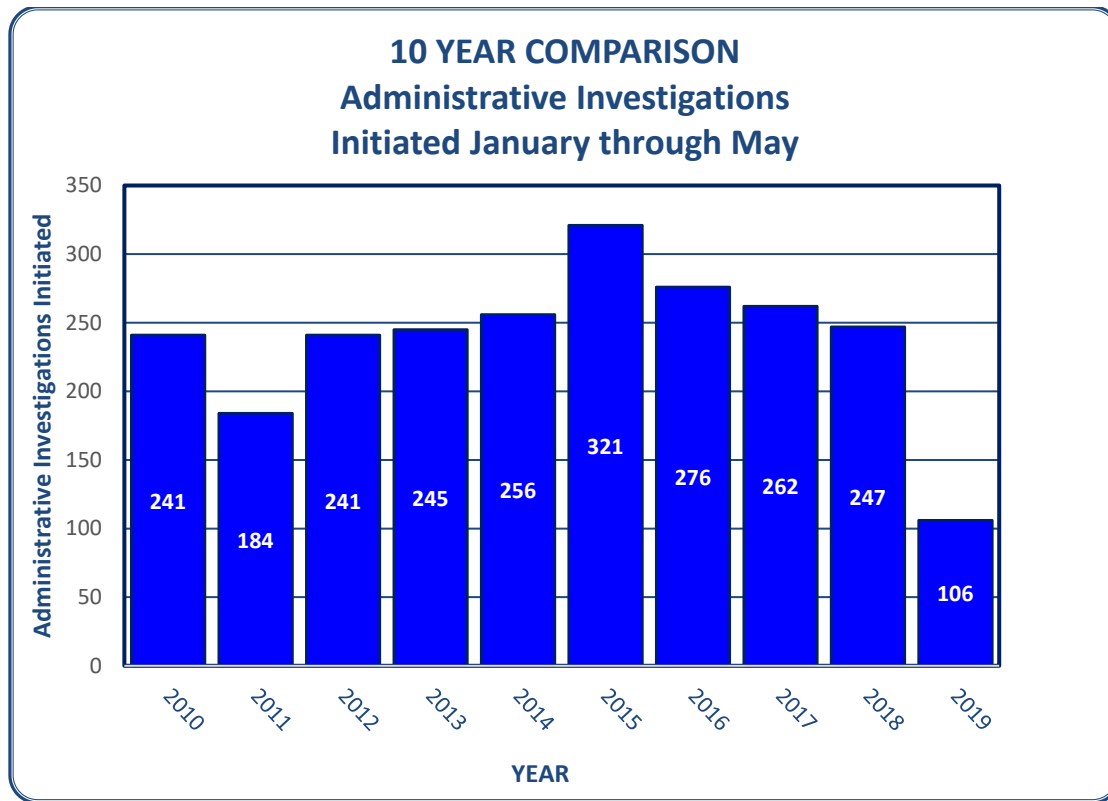
TO: Supervisor Janice Hahn, Chair  
Supervisor Hilda L. Solis  
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Supervisor Sheila Kuehl  
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FROM: Max Huntsman *MH / JWB*  
Inspector General

SUBJECT: REPORT-BACK ON LASD INTERNAL ADMINISTRATIVE  
INVESTIGATIONS AND DISPOSITIONS OF DISCIPLINARY ACTIONS  
FOR MARCH, APRIL AND MAY 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 March, April and May 2019. In our initial report-back on April 11, 2019, we noted having observed an increase in the number of administrative investigations the Department was inactivating. The number of inactivated cases has since decreased and is more in line with past administrations. While 45 administrative investigations were inactivated the first two months of 2019, as detailed below, nine were inactivated in March, two were inactivated in April and two were inactivated in May.

At the same time, the Department has reduced the number of administrative investigations it initiates. Based on information provided by the Department the number of administrative investigations initiated from January through May 2019 is the lowest at any time during the last ten years, a period that spans the administrations of sheriffs Leroy Baca, John Scott and Jim McDonnell. The following graph depicts the number of administrative investigations initiated for the period January through May since 2010.



#### Inactivation of Administrative Investigations

Based on our review of Department records, we found that the Department inactivated nine administrative investigations in March, two administrative investigations in April and two administrative investigations in May of 2019, for a total of 57 case inactivations through May of this year.

In March, four of the inactivated investigations were inactivated in accordance with the Department's Administrative Investigations Handbook which provides for the inactivation of a case when a subject of an investigation resigns or retires. One case was inactivated prior to the completion of the administrative investigation in which video evidence contradicted the statements contained in the subjects' report of an incident. The inactivation memorandum included the District Attorney's opinion that the deputies had not committed perjury and contained a detailed description of the state of the evidence at the completion of the criminal investigation. No administrative investigation into possible policy violations had been conducted.

In four of the administrative investigations inactivated in March, the inactivation memo did not comply with section 3-04/020.20 of the Department's Manual of Policy and Procedures (MPP) on the Inactivation of Administrative Investigations which provides as follows:

Inactivation of administrative investigations requires the approval of the concerned Division Chief or Division Director. Inactivation shall not occur merely because a complainant withdraws the complaint. There must also be independent reasoning that indicates that the alleged misconduct did not occur or that all investigative leads have been exhausted. All complainants who withdraw their complaint prior to the completion of an administrative investigation shall be queried as to the reason for the withdrawal. The investigator shall ask each such complainant if any Department member, or anyone else, has discouraged or intimidated the complainant in any way.

A request to inactivate an administrative investigation shall be in the form of a memo from the concerned Division Chief or Division Director to the Captain of Internal Affairs Bureau, detailing the reasons for the inactivation.

In these cases either there was no independent reasoning indicating the alleged misconduct did not occur, all investigative leads were not exhausted, or detailed reasons for the inactivation were not provided in the memorandum requesting the case be inactivated.<sup>1</sup>

Based upon our review of Department records, we found that the four administration inactivations in April and May were in accordance with Department policy.

A summary of each case deactivated in which the deactivation appears to have not been within policy is included in Attachment A.

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

In March, April and May 2019, the Department modified the findings and/or discipline assessed as outlined in the original letters of intent for twenty employees. A summary of each of those matters is included in Attachment B.

#### 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 had their discipline 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 fifteen days.

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<sup>1</sup> An example of one of these inactivation memos is attached as Attachment D.

In March, April and May 2019 the Department finalized a total of fifteen Case Review cases in that 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 of these cases 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 which it objected for any reason to being publicly released.

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

## ATTACHMENT A

### INACTIVATIONS NOT WITHIN POLICY

#### *Inactivated Investigations Involving Criminal Allegations*

1. (March) While off-duty, a deputy left her purse containing a firearm in her personal vehicle resulting in her purse, firearm, badge and Department identification being stolen. No signs of forced entry were present. A police report was generated for a violation of Penal Code section 25140, Leaving Handgun in Unattended Vehicle, but criminal charges were not filed against her. In February 2018, the Department initiated an administrative investigation to determine if the deputy violated the Care of County Property and Equipment policy.<sup>2</sup> The inactivation memo states the Department inactivated the administrative investigation because the Department determined further administrative action was not necessary. The memo further noted the deputy expressed remorse for her conduct. The Department issued the deputy a Performance Log Entry (PLE). The inactivation memo failed to detail any reasoning indicating misconduct did not occur or that an investigation as required by policy and/or protocols would be unnecessary. On the contrary, the police report indicates that the deputy admitted to leaving her purse, firearm and other stolen items in her vehicle and could not specify whether she had locked the doors while she was getting her nails done at a salon.

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<sup>2</sup> MPP 3-01/040.15 CARE OF COUNTY PROPERTY AND EQUIPMENT: A member shall be responsible for the care, maintenance and serviceable condition of any County property, fixed or movable, issued or assigned to him or otherwise in his care. Loss of, damage to or unserviceable condition of such property shall be reported to his Unit Commander. Reasonable and prudent precaution shall be taken to prevent the loss or theft of County property. Exceptional care shall be exercised to prevent the loss or theft of security items such as evidence, weapons, radios, vests or tasers. Loss or preventable theft of County property when the circumstances indicate that a greater degree of caution should have been taken to prevent such loss or theft, willful or negligent abuse, misuse, damage or destruction, shall be grounds for disciplinary action. A parked vehicle left unattended on the street or in a driveway is particularly vulnerable to theft or burglary. Therefore, personnel shall assure that any County vehicle or any personally owned vehicle which contains County equipment is parked in a safe location and that any firearm, portable radio, evidence, confidential documents or high value County property are secured in the vehicle's trunk, in a rack or a locked container (when available). All weapons shall be removed from any vehicle parked overnight outside of a secure garage. Absent exigent circumstances, any improperly secured equipment stolen from such an unattended vehicle shall be labeled a negligent loss. Consequently, the employee entrusted with the equipment shall, after consideration of all facts and circumstances, be subject to appropriate Department discipline, refer to section 3-03/060.00.

## ***Inactivated Investigations Involving Alleged Policy Violations***

2. (March) The Department relieved a deputy of duty and ordered him to surrender his duty weapon in April 2016. When the weapon was received by the Department's Logistics Unit, the duty weapon had been heavily and permanently modified without approval of the Weapons Training Unit (WTU), rendering it unserviceable. Under Department policy, modifications of any kind are prohibited without approval of the WTU.<sup>3</sup> In April 2018, an administrative investigation was initiated to determine whether the deputy violated the Revolvers/Semi-Automatic Pistols<sup>4</sup> and Care of County Property policies.<sup>5</sup> The Department inactivated the investigation, and issued the deputy a PLE. In the inactivation memorandum, the captain opined that the PLE, together with the requirement for the deputy to purchase a replacement weapon, sufficed as appropriate corrective action. The inactivation memo failed to detail any reasoning indicating misconduct did not occur or that an investigation as required by policy and/or protocols would be unnecessary. The issuance of the PLE and statement that it sufficed as appropriate corrective action suggest the chief believed the misconduct did occur.

3. (March) In June 2018, the Department initiated a unit level administrative investigation for a Performance to Standards<sup>6</sup> policy violation against two custody assistants for allegedly refusing to allow an prisoner to use the restroom during a one-hour scheduled lockdown. The inmate, who was in a classroom setting, asked the teacher to use the restroom and the teacher contacted a custody assistant, who said the inmate would have to wait until the lockdown was over. Approximately 20

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<sup>3</sup> 3-03/210.05 REVOLVERS/SEMI-AUTOMATIC PISTOLS (ON AND OFF DUTY) provides in relevant part as follows regarding modifications: "Sworn members shall not make, nor shall they permit to be made, any modification(s) to any Department approved handgun used on duty, off duty, or as back up without the approval of the Weapons Training Unit."

<sup>4</sup> See footnote 3.

<sup>5</sup> See Footnote 2.

<sup>6</sup> 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.

minutes later, the inmate again asked to use the restroom. Once more, the teacher reportedly contacted a different custody assistant and was told a bathroom break would not be provided until the facility was no longer on lockdown. The inmate, who could no longer wait, urinated in a trashcan. The custody facility conducted a supervisory inquiry that included brief interviews of the teacher, inmate, and the two custody assistants alleged to have been involved and recommended an administrative investigation be initiated.

The Custody Division Chief inactivated the investigation and stated in the inactivation memorandum that video reviewed confirmed the inmate contacted the teacher twice but only depicted the teacher making one phone call. While the chief noted the inconsistency was not addressed in the initial inquiry, he nonetheless concluded only one custody assistant denied the bathroom request before inactivating the case. Without an administrative investigation to resolve the inconsistency, there was no evidence of policy violations for either custody assistant. One of the custody assistants had previously been disciplined for failing to appropriately address an inmate's medical needs and document the incident in an inmate injury report. He also had previously been disciplined for sleeping on duty. The chief recommended training be provided on how to avoid similar potential situations in the future. While the inactivation memo indicated there was no evidence of policy violations there were no administrative interviews. The memo did not indicate that the inmate withdrew his complaint and the memo on its face acknowledged that all leads had not been exhausted prior to inactivating the investigation.

4. A deputy assigned to a medical facility left his fanny pack containing his wallet and a loaded gun in a bathroom stall. A civilian discovered the fanny pack and turned it in to the nurse's station. The deputy was unaware he had left it behind. In November 2018, the Department initiated an administrative investigation to determine whether the deputy violated the General Behavior,<sup>7</sup>

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<sup>7</sup> 3-01/030.05 GENERAL BEHAVIOR: A member shall not act or behave while on or off duty in such a manner as to bring discredit upon himself or the Department. Members' arrests and/or referrals for prosecution are an embarrassment to the Department and bring discredit upon the member and the Department regardless of whether a criminal case is filed and/or ultimately results in a conviction or plea agreement. Members who are publicly intoxicated to the extent their recollection about an allegation of misconduct is affected have brought discredit upon themselves and/or the Department.

Obedience to laws,<sup>8</sup> Care of County Property<sup>9</sup> and Safety<sup>10</sup> policies. The inactivation memo indicates the administrative investigation was inactivated because the deputy's conduct was a "training issue." The Department issued the deputy a PLE. The inactivation memo, however, failed to detail any reasoning indicating misconduct did not occur or that an investigation as required by policy and/or protocols would be unnecessary. The issuance of the PLE suggests the chief believed the misconduct did occur.

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<sup>8</sup> 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.

<sup>9</sup> See Footnote 4.

<sup>10</sup> 3-01/110.55 SAFETY POLICY: The Department regards its personnel as its most valuable asset. Also of vital importance are equipment and facilities used by the Department to meet its law enforcement obligations. All operations of this Department shall be conducted with the utmost concern for its personnel, equipment, vehicles and facilities. The reduction of losses due to injuries to Department employees and damage to County property is an essential part of an efficient operation. The practice of safety and the prevention of accidents shall be the responsibility of all members of this Department.



## ATTACHMENT B

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

#### Pre-Letter of Imposition

1. (March) In June 2018, the Department served a deputy with a letter of intent to suspend him for 15 days for being intoxicated in a public place, forcibly moving his girlfriend (also a Department member) against her will by putting his arm around her neck, and failing to notify his supervisor that he had been arrested for those actions. The girlfriend refused to cooperate with the police who responded to the incident, but the deputy was arrested based on witness statements and surveillance video. The LADA filed a criminal charge of domestic battery against the deputy. Subsequently the court dismissed the charges as part of an agreement that the deputy would complete domestic violence counseling and community service. The Department found the deputy violated the Family Violence, Disorderly Conduct, General Behavior, and Off-Duty Incidents policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy leaving the discipline in place but removing the founded Family Violence policy violation as a basis for the 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 v. Maryland* (1963) 373 U.S. 83 and its progeny.<sup>11</sup> The removal of this charge without a factual basis to do so could therefore circumvent the requirement to disclose this information in a criminal case.

2. (March) In August 2018, the Department served a deputy with a letter of intent to suspend him for eight days for the tactics employed in his second deputy-involved hit-shooting incident. The Executive Force Review Committee (EFRC) panel<sup>12</sup> reviewing the shooting found that the deputy had failed to employ sound tactical principles during a foot pursuit and/or had acted in a reckless manner by failing to communicate with his partner, failing to take a tactical position of advantage, failing to consider the backdrop, failing to broadcast the foot pursuit and splitting from his partner, in violation of the Performance to Standards Associated with a Use of Force, Tactical Incidents, Obedience to Laws, and Foot

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<sup>11</sup> See *Donley v. Davi* (2009) 180 Cal.App.4<sup>th</sup> 447, 458-459; [and the LADA'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>](#).

<sup>12</sup>The EFRC panel, which is comprised of three Division Commanders appointed by the Sheriff or his designee, reviews all Category 3 force cases and deputy-involved shootings to determine if the force and tactics are within policy.

Pursuit policies. The Department previously disciplined the deputy in two other cases for violating the Vehicle Pursuit and Foot Pursuit policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the EFRC panel's findings remained the same, but the panel reduced the discipline to a four-day suspension. Policy provides that when a case is heard by the EFRC panel, the division chief must confer with the chair of the panel to modify the findings or discipline, and if the chair opposes the suggested change, the division chief must obtain the relevant Assistant Sheriff's concurrence. It is unclear from the information available to OIG staff whether such consultation or concurrence occurred.

3. (March) In September 2018, the Department served a deputy with a letter of intent to suspend him for 15 days for his actions surrounding an unauthorized vehicle pursuit that resulted in a traffic collision and minor use of force, in violation of Performance to Standards Associated with a Use of Force, Tactical Incidents, Vehicle Pursuit, Force Prevention Principles, General Behavior, and Obedience to Laws policies. The deputy had previously been suspended for a total of 55 days in five other cases, two of which included violations of the Unreasonable Force policy. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the findings remained the same, but the Department reduced the discipline to a 10-day suspension.

4. (March) In October 2018, the Department served a Law Enforcement Technician with a letter of intent to suspend her for eight days for transporting inmate workers by herself to get food for them at a home where one of the inmate's relatives resides, for providing them with food from a relative without checking it for contraband, and for allowing one of the inmate workers to use her Department-issued telephone, in violation of the Use of Communications Equipment, Professional Conduct, Reporting Information, 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 four-day suspension.

5. (March) In October 2018, the Department served a Law Enforcement Technician with a letter of intent to suspend him for five days for meeting with an inmate worker's relative to collect food from the relative for delivery to the inmate worker, in violation of the Professional Conduct, Reporting Information, and Performance to Standards policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the employee whereby his discipline was reduced to a three-day suspension. The OIG was unable to determine whether there was a modification to the findings based on the information available for review.

6. (March) In November 2018, the Department served a deputy with a letter of intent to discharge him for threatening his spouse, assaulting her in front of their minor child, causing visible bruising to multiple parts of her body, strangling her to the point of unconsciousness, telling her she did not have to speak to internal affairs investigators, and then denying to investigators that he assaulted her or told her she did not have to speak with investigators. These actions were found to have violated the Family Violence, Immoral Conduct, Obedience to Laws, General Behavior, Interference with an Investigation, Honesty, and False Statements policies. The LADA investigated the case criminally but declined to file charges. The deputy had previously been disciplined in four other cases for a total of 23 days of suspension. One of those cases involved a violation of the Unreasonable Force policy for his use of force on an inmate. Also, before his employment with the Department, he had been arrested for spousal assault and entered a plea in the case for a misdemeanor disturbing the peace violation. He was sentenced to 36 months of probation.

In March 2019, after the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the Family Violence and General Behavior policies remained founded, but the remaining policy violations related to child endangerment, interfering with an investigation, and dishonesty were removed. The Department limited the letter of imposition for the two founded violations to findings that the deputy grabbed his wife and threw her from the bed to the floor; placed his hands around her neck causing her to lose her breath and suffer soreness, bruises, and discoloration to her neck and shoulder area; assaulted her causing visible bruises to her wrist, forearms and biceps; and sent her text messages telling her things were going to get worse or bad things would happen if she sold their car or continued to disrespect him – causing her to be in sustained fear for her safety.<sup>13</sup>

The Department reinstated the deputy and suspended him for 25 days for these violations, with the understanding that if he was detained or arrested for family violence in the next three years, he would be discharged without a right to appeal. Because the Family Violence charge remains founded, the facts upon which the charge is based may be discoverable in a criminal case under *Brady* and its progeny. Additionally, 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*. However, the removal of the false statements charge might circumvent the requirement to

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<sup>13</sup> The Department's modifications to the findings could effectively remove the deputy's personnel records from the reach of Senate Bill (SB) 1421 depending on how the Department interprets its provisions.

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

7. (March) In November 2018, a deputy was served with a letter of intent to suspend him for 15 days for inappropriately touching two female juvenile participants of the Department's Youth Activities League while he was on duty. He was found to have touched one female juvenile's back/neck and admitted to having another female juvenile sit on his lap. His actions were criminally investigated. The case was declined for prosecution, but he was found to have violated the General Behavior and Conduct Toward Others policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the findings were modified to indicate a violation of only the General Behavior policy for touching a female juvenile on the neck "in a playful manner, which was misconstrued as inappropriate." The Department reduced the discipline to a 5-day suspension.

8. (March) In December 2018, the Department served a lieutenant with a letter of intent to suspend him for five days for driving a County vehicle for unofficial purposes, for using it to commute to and from his residence without approval, and for failing to take corrective measures when he became aware of a subordinate's possible misuse of the vehicle, in violation of the Department's Assigned Vehicles, Failure to Carry Out Supervisory, Managerial or Executive Duties and Responsibilities, Lieutenants, Obedience to Laws, and Performance to Standards policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the lieutenant whereby the findings remained essentially the same but the "unofficial purposes" language was removed, and the Department reduced the discipline to a four-day suspension.

9. (March) In January 2019, the Department served a deputy with a letter of intent to suspend him for one day for failing to report witnessed force, in violation of the Force Reporting, Performance to Standards, and Obedience to Laws policies. The force incident was discovered after an inmate complained that force was used on him by two deputies who had not reported the force. Video of the incident showed another deputy using minor force against the physically resistive inmate in the deputy's presence. After researching the force policy and viewing the video, the deputy acknowledged he should have reported the force he witnessed. After the *Skelly* hearing, the Department rescinded the employee's discipline without documenting the modification in a settlement agreement. According to information reviewed by OIG staff, the deputy's captain specifically instructed that the modification not be documented in a settlement agreement.

10. (April) In April 2018, the Department served a deputy with a letter of intent to suspend him for 15 days for being significantly intoxicated while off-duty in a public place, identifying himself as a deputy to security personnel, yelling profanities at security personnel, challenging security personnel to a fight, refusing to leave the premises as directed and refusing to obey multiple orders to stop interrupting the officer investigating the incident. The deputy was found to have violated the Disorderly Conduct, General Behavior, Obedience to Laws, and Professional Conduct policies. The deputy had been previously disciplined for using unreasonable force against an inmate and for on-duty inappropriate conduct toward others. He received a total of 17 suspension days for those two incidents. Additionally, in February 2019, the Department issued the deputy a letter of intent to discipline him for 15-days for inappropriate conduct toward inmates. Subsequent to the deputy's *Skelly* hearing the Department entered into a settlement agreement with the deputy whereby the findings remained the same, but the Department reduced the discipline to a 10-day suspension.

11. (April) In October 2018, the Department served a deputy with a letter of intent to suspend him for three days because he was arrested for spousal abuse by an outside agency due to the girlfriend's visible injuries (laceration on her cheek and scratches to her neck). The LADA did not file criminal charges. During the administrative investigation, the woman told investigators she did not recall the incident and was no longer in a dating relationship with the deputy. The deputy was found to have violated the General Behavior and Off-Duty incidents policies. The Department's General Behavior policy provides, in relevant part, as follows: "Members' arrests and/or referrals for prosecution are an embarrassment to the Department and bring discredit upon the member and the Department regardless of whether a criminal case is filed and/or ultimately results in a conviction or plea agreement." The Obedience to Laws as it relates to the domestic violence allegations was determined to be unresolved due to the alleged victim's asserted failure to recall the incident. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the findings remained the same but the Department reduced the discipline to a written reprimand.

12. (April) In October 2018, the Department served a security officer with a letter of intent to discharge her for off-duty misconduct relating to a fight at a bar in which the alleged victim suffered a laceration above her eyebrow. The deputy was allegedly yelling, being uncooperative and identifying herself as a deputy to security personnel. The incident was investigated by an outside law enforcement agency, but no criminal charges were filed. The security officer was found to have violated the False Statements, Disorderly Conduct, Derogatory Language and General Behavior policies. After the *Skelly* hearing, the Department entered into a settlement agreement whereby the Department reduced discipline to a 20-day

suspension. It is unclear from the information available to OIG personnel whether the findings were modified and/or whether the settlement agreement was reduced to writing.

13. (April) In November 2018, the Department served a sergeant with a letter of intent to suspend him for one day for inappropriate comments based on race and ethnicity. The sergeant was found to have violated the Policy of Equality Policy – Inappropriate Conduct Toward Others policy based on race policy. The captain who conducted the *Skelly* hearing upheld the findings and discipline imposed. Due to an administrative error, the Department did not serve the sergeant with the letter of intent in a timely manner, so he received no discipline for his misconduct.

14. (April) In January 2019, the Department served a deputy with a letter of intent to suspend him for one day for leaving his post at a hospital without permission and for failing to provide direct security for an inmate, in violation of the Performance of Duty and Duties of All Members policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the findings remained the same, but the Department reduced the discipline to a written reprimand.

15. (April) In January 2019, the Department served a deputy with a letter of intent to suspend him for one day for leaving his post at a hospital without permission and for failing to provide direct security for an inmate, in violation of the Performance of Duty and Duties of All Members policies. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the Department changed the findings to unresolved and rescinded the discipline.

16. (May) In September 2018, the Department served a deputy with a letter of intent to suspend him for five days for failing to report his use of force to a supervisor. The Department found that he violated the Performance to Standards policy. In May 2019, a different chief than the one who had initially approved the letter of intent held a *Skelly* hearing and entered into a settlement agreement with the deputy whereby the findings remained the same, but the Department reduced the discipline to a two-day suspension.

17. (May) In November 2018, the Department served a civilian with a letter of intent to suspend her for 30 days for being involved in an off-duty traffic collision while under the influence of alcohol and being uncooperative with responding law enforcement officials. The Department found that she violated the Disorderly Conduct, Conduct Toward Others, General Behavior, Cooperation with Criminal Investigation and Reporting Information policies. The Case Review panel concurred with the chief's finding's and recommended discipline. In May 2019, a different chief

than the one who had initially approved the letter of intent held a *Skelly* hearing and entered into an agreement with the employee whereby the findings remained the same but the Department reduced discipline to a 25-day suspension. It is unclear from the information available to OIG personnel whether the findings were modified and/or whether a written settlement agreement was executed. 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.

18. (May) In February 2019, the Department served a deputy with a letter of intent to suspend him for 15 days for flipping off an inmate, failing to provide appropriate security checks on inmates, using a personal hard drive to watch movies while on duty, and lying about flipping off an inmate and being inattentive to inmates while watching movies. The deputy's misconduct was corroborated by video evidence and the statements of a Department member. The Department found that the deputy violated the False Statements, Conduct Toward Others, General Behavior, and Performance to Standards policies. The Guidelines for Discipline in 2012 provide a recommended discipline level of 15 days to discharge for making false statements during a Departmental investigation. However, because the deputy's captain recommended a discipline level of 15 days, the case was not presented before the Case Review panel for consideration of a higher level of discipline. After the *Skelly* hearing, the Department entered into a settlement agreement with the deputy whereby the Department's findings remained the same, but the Department reduced the discipline to an eight-day suspension.

19. (May) In March 2019, the Department served a deputy with a letter of intent to discharge him for off-duty driving over 100 miles per hour while under the influence of alcohol after the case was presented to the Case Review panel and the panel concurred in the discipline recommended by the employee's chief. He was convicted of a misdemeanor driving under the influence charge and was found to have violated the Obedience to Laws/DUI and General Behavior policies. The Department previously disciplined the deputy in three separate cases for a total of 32 suspension days. In one of the cases, he admitted to drinking and driving during his administrative interview although he was never arrested or charged with driving under the influence. After the *Skelly* hearing, the case was re-presented to the Case Review panel for permission to reduce the discharge to a 30-day suspension. The panel agreed with the reduction and the Department thereafter entered into a settlement agreement with the deputy whereby the findings remained the same, but the Department reduced the discipline to a 30-day suspension with the understanding that he would be subjected to random alcohol testing and if he was subsequently the subject of a founded investigation involving alcohol, he would be discharged without a right to appeal.

## **Modifications Post Letter of Imposition**

20. (April) In March 2018, the Department suspended a deputy for 15 days for an incident which occurred in 2014 involving his unauthorized entry into a courthouse after hours with a non-county employee and therein engaging in inappropriate conduct. The deputy was found to be in violation of the General Behavior, Off-Duty Incidents, and Inappropriate Conduct policies. The deputy's discipline was not imposed until 2018 because he had been discharged in two other cases. His discharge was reduced in each prior case to 15-day suspension by the Civil Service Commission. He was reinstated in 2017. While the entry into the courthouse case was pending before the Civil Service Commission, he was under investigation for a new case involving the making of false statements regarding an on-duty traffic collision which occurred in April 2018. The Department entered into a settlement agreement with the deputy whereby the findings in the courthouse case remained the same, but the Department reduced discipline to a four-day suspension.



## ATTACHMENT C

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

1. (March) In August 2018, the Case Review panel reviewed a case involving a civilian employee accused of throwing her wedding ring at her estranged husband, causing minor injuries, throwing a heavy glass filled with liquid in the husband's girlfriend's direction, and using Department equipment to harass the girlfriend by posting derogatory public comments about her online while on-duty. The LADA investigated the case criminally but the prosecutor declined to file charges. The panel concurred with the chief's recommendation finding the employee had violated the Family Violence, Conduct Toward Others, General Behavior, Use of Communications Equipment, and Performance to Standards policies and should receive a 20-day suspension. The Department previously suspended the employee for five days for engaging in similar conduct against a former boyfriend. In March 2019, after the *Skelly* hearing, the employee was served with a letter of imposition setting forth the original findings and imposing the originally-recommended 20-day suspension. Because the Family Violence charge remains founded, the facts upon which the charge is based may be discoverable in a criminal case under *Brady* and its progeny.
2. (March) In October 2018, the Case Review panel reviewed a case involving a deputy accused of driving under the influence (DUI) resulting in a non-injury traffic collision that caused property damage. He was charged and convicted of misdemeanor DUI and sentenced to a three-year term of probation. The panel concurred with the chief's recommendation finding the deputy violated the Obedience to Laws and General Behavior policies and should receive a 20-day suspension. In March 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 20-day suspension.
3. (March) In November 2018, the Case Review panel reviewed a case involving a deputy accused of domestic violence. The Department discharged the deputy. Because the discipline was modified before the letter of imposition was served on the deputy, the summary of this case is set forth in No. 6 of Attachment B.
4. (March) In January 2019, the Case Review panel reviewed a case involving a civilian employee accused of falsifying overtime records. The panel concurred with the director's recommendation finding the employee violated the False Information in Records, Professional Conduct, General Behavior, and Performance to Standards policies and should be discharged. In March 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. Because the False Information in Records charge remains founded, the facts upon which the charge is based may be discoverable in a criminal case under *Brady* and its progeny.

5. (March) In February 2019, the Case Review panel reviewed a case involving a security officer accused of having a personal relationship with a member of a criminal street gang without authorization and using County equipment for unofficial purposes. The panel concurred with the chief's recommendation finding the employee violated the Prohibited Association, Fraternalization, False Statements, Use of Communications Equipment, General Behavior, and Obedience to Laws policies and should be discharged. In March 2019, after the *Skelly* hearing, the Department served the security officer with a letter of imposition setting forth the original findings and imposing the originally-recommended discharge. Because the False Statements charge remains founded, the facts upon which the charge is based may be discoverable in a criminal case under *Brady* and its progeny.

6. (March) In February 2019, the Case Review panel reviewed a case involving a deputy accused of engaging in domestic violence by striking and/or strangling the mother of his child resulting in bruising and lying to criminal investigators about the incident. He was charged and convicted in Nevada of a felony involving domestic violence and was sentenced to 30 months in prison. The conviction disqualified him from being a peace officer. The panel concurred with the chief's recommendation finding the deputy violated the Family Violence, Cooperation During a Criminal Investigation, Conduct Toward Others, General Behavior, Off-Duty Incidents, and Obedience to Laws policies and should be discharged. In March 2019, the Department served the deputy with a letter of imposition setting forth the original findings and imposing the originally-recommended discharge. Because the Family Violence charge remains founded, the facts upon which the charge is based may be discoverable in a criminal case under *Brady* and its progeny.

7. (March) In February 2019, the Case Review panel reviewed a case involving a deputy accused of failing to properly investigate a crime, failing to preserve evidence, entering false information into official Department records, and making false statements to a supervisor and an internal affairs investigator. Video evidence contradicted the deputy's account of the incident. The panel concurred with the chief's recommendation, finding the deputy violated the False Information in Records, False Statements, Responsibility for Documentation, Duties of all Members, Performance to Standards, and Obedience to Laws policies and should be discharged. In March 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. Because the False Information in Records and False Statements charges remain founded, the facts upon which they are based may be discoverable in a criminal case under *Brady* and its progeny.

8. (April) In April 2019, the Department only finalized one Case Review case in that 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). Because the discipline was modified from the discharge originally imposed, a summary of the case is included as No. 12 of Attachment B.

9. (May) In March 2018, the Case Review panel reviewed a case involving a deputy accused of documenting that he responded to a burglary alarm call on his log when he did not respond because he was busy assisting in a hit and run investigation. The panel concurred with the chief's recommendation finding the deputy had violated the False Information in Records, Responsibility for Documentation, General Behavior and Performance to Standards policies and should receive a 30-day suspension. The deputy had no prior discipline, was forthright about not responding to the call the next day, was at the end of a second shift for which he was drafted, apologized on his own to the victim whose business was burglarized, and his failure to respond did not compromise the criminal investigation because the suspects had left the business by the time the deputy received the call. In May 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 30-day suspension.

10. (May) In November 2018, the case review panel concurred with a 30-day suspension on a case involving a civilian who drove under the influence of alcohol. Because the discipline was reduced to a 25-day suspension after the *Skelly* hearing, a more detailed summary of the case is set forth as No. 2 of Attachment B.

11. (May) In February 2019, the Case Review panel reviewed a case involving a deputy accused of being involved in an off-duty traffic collision while under the influence of alcohol. The panel concurred with the chief's recommended findings that the deputy had violated the Obedience to Laws and General Behavior policies and should receive a 20-day suspension. In May 2019, after the *Skelly* hearing, the deputy was served with a letter of imposition setting forth the original findings and imposing the originally-recommended 20-day suspension.

12. (May) In March 2019, the Case Review panel concurred with a discharge on a case involving a deputy who drove under the influence of alcohol. The Department reduced the discipline to a 30-day suspension after the *Skelly* hearing with the

panel's concurrence. Because the discipline was reduced, a more detailed summary is set forth as No. 4 of Attachment B.

13. (May) In March 2019, the Case Review panel reviewed a case involving a civilian accused of being under the influence of methamphetamine while off-duty and associating with an inmate who had been in the custody of the Department and then lying about it during the administrative investigation. The panel concurred with the chief's recommendation finding the employee had violated the Use of Drugs, Fraternalization, General Behavior, False Statements and Off-Duty Incidents policies and should be discharged. In May 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.

14. (May) In April 2019, the Case Review panel reviewed a case involving a deputy accused of lying to his supervisor about an on-duty traffic collision, failing to timely report the traffic collision, and entering false information into official records regarding the traffic collision. The panel concurred with the chief's recommendation finding the deputy violated the Honesty, False Statements, False Information in Records, Performance to Standards, General Behavior, Obedience to Laws, Reporting Information, and Driver's Responsibilities policies and should be discharged. The Department previously disciplined the deputy in three separate cases for a total of 34 suspension days. In May 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.

15. (May) In April 2019, the Case Review panel reviewed a case involving a deputy accused of driving an All-Terrain Vehicle off-duty while under the influence of alcohol. The panel concurred with the chief's recommendation finding the deputy violated the Obedience to Laws/DUI and General Behavior policies and should be discharged. The Department previously disciplined the deputy in two separate cases for a total of 40 suspension days. One of the cases involved making false statements to his supervisors about his location and ability to work and the other case involved being intoxicated in public and possessing his firearm while under the influence of alcohol. In May 2019, after the *Skelly* hearing, the employee was served with a letter of imposition setting forth the original findings and imposing the originally-recommended discharge.

ATTACHMENT D

SAMPLE INACTIVATION MEMORANDUM

SNAD-32A (8/17)

COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**  
*"A Tradition of Service Since 1850"*

DATE: February 20, 2019

IV NO: [REDACTED]

OFFICE CORRESPONDENCE

FROM: [REDACTED]

TO: JOSIE S. WOOLUM, CAPTAIN  
INTERNAL AFFAIRS BUREAU



SUBJECT: REQUEST TO INACTIVATE IAB CASE [REDACTED]

The purpose of this memorandum is to request the inactivation of Internal Affairs Bureau case [REDACTED], which was returned to UOA for further findings. This case was regarding [REDACTED] and her alleged failure to properly secure her firearm within a vehicle.

Deputy [REDACTED] was subsequently issued a Performance Log Entry for this incident, and expressed remorse for her actions.

After careful review, I have concluded that further administrative action on this case is not required, and expending further resources is not necessary. Therefore, with your authorization, I am requesting the inactivation of this case.

If you have any questions, please contact [REDACTED]

[REDACTED]

Inactivation #2

[REDACTED]

