Initial Implementation by the Los Angeles County Sheriff's Department of the Truth and Reconciliation Process

July 2019

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Introduction

On December 3, 2018, Sheriff Alex Villanueva was sworn into office as the 33rd Sheriff of Los Angeles County. Sheriff Villanueva was elected on a campaign platform promising wide-ranging reforms for the Los Angeles County Sheriff's Department (Department). One of the prominent reforms championed by then-candidate Alex Villanueva was the creation of a "Truth and Reconciliation" process, broadly defined as one that would empower the Department to revisit previous discipline-related personnel actions to ensure the results were just.[1]

Soon after his successful election, Sheriff Villanueva reaffirmed his plan to create a "Truth and Reconciliation" process that would allow deputies, including those who were previously discharged, to address personnel actions they believed were unfair.[2] In response to those statements and pursuant to his oversight duties the Inspector General made a formal request to the Sheriff on December 4, 2018, that the Office of Inspector General (OIG) be notified of any action by the Department on Truth and Reconciliation so the OIG could monitor and report on the process.[3] The Department did not respond to that request.

Shortly after the election, the OIG began to gather information regarding the Truth and Reconciliation process in an effort to monitor and evaluate the process to ensure it was evidence-based and in keeping with generally accepted disciplinary practices.

On January 4, 2019, the OIG learned through our routine monitoring of internal administrative cases that the Department had reinstated Deputy Caren Mandoyan (Mandoyan). The

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[1] The campaign also claimed the process would be applied to citizens who might have been wrongfully prosecuted. To date the Office of Inspector General is aware of no efforts by the Department to absolve the wrongfully convicted. That aspect of the process is not the subject of this report. See, *New Sheriff Vows Era of Change*; *At his swearing-in, Villanueva seeks to reassure immigrants*. Maya Lau, Los Angeles Times, Metro Desk, California, Part B, p. 1, December 4, 2018.

[2] See, *New Sheriff Vows Era of Change*; *At his swearing-in, Villanueva seeks to reassure immigrants*. Maya Lau, Los Angeles Times, Metro Desk, California, Part B, p. 1, December 4, 2018. See also, *Recent sheriff reforms feared at risk; Concerns are growing that when Villanueva takes office, he could relax rules put in place after jail scandal*, Maya Lau, Los Angeles Times, Metro Desk, Main News, Part A, p. 1, November 28, 2018.

[3] Exhibit 7, OIG Letter to Sheriff Villanueva, dated December 4, 2018, that was hand delivered to the Department. The letter from Inspector General Max Huntsman to Sheriff Alex Villanueva requested, among other things, the names of the members of the Truth and Reconciliation committee and advance notice of the committee's meetings so that the OIG could monitor the process and report on it [as the OIG has done with other Department case reviews]. Pursuant to section 6.44.190 of the Los Angeles County Code, the OIG provides "comprehensive oversight, monitoring of, and reporting about the Sheriff's Department and its jail facilities." The OIG's oversight duties include monitoring the Department's employee discipline process.

Department neither advised the OIG that the reinstatement of Mandoyan was being considered or that it had been accomplished.

Sheriff Villanueva publicly described the process used to reinstate Mandoyan as "pretty much what the Truth and Reconciliation process is."[4] The Department had discharged Mandoyan in 2016, finding that he had been in a dating relationship with the victim,[5] and during that relationship had engaged in domestic violence, had attempted to break into the victim's apartment, and had stalked her. The Department also found that Mandoyan was untruthful in an Internal Affairs Bureau (IAB) investigation into those events. Because of the nature and seriousness of the allegations that led to Mandoyan's discharge, the Department's decision to reinstate Mandoyan was of great public interest.

On February 13, 2019, the OIG sent a letter to Sheriff Villanueva requesting a list of Department members whose cases were being reevaluated.[6] The Department did not respond to that request.

This report constitutes a review of the Truth and Reconciliation process[7] as implemented in the Mandoyan case and an analysis of Sheriff Villanueva's criticisms of the administrative investigation and Civil Service process that resulted in Mandoyan's discharge. In preparing this report, the OIG met with senior Department staff, assessed information gathered by the Department's administrative investigation, reviewed the Civil Service proceedings, and analyzed available documents that were created in the lead up to Mandoyan's reinstatement. This report initially included matters not in the public record. LASD objected to the inclusion of that material as "investigative" and so, although this Office does not concur in that description, it

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[4] Exhibit 8, Partial Transcript of Sheriff's Comments to the Civilian Oversight Committee on January 22, 2019, pp. 29-30.

[5] The individual with whom Mandoyan had a romantic relationship with was identified as "victim" in the El Segundo Police Report No. #15-1659, wherein she described many of the incidents that eventually became the basis for the Department's disciplinary actions against Mandoyan.

[6] Exhibit 9, OIG Letter to Sheriff Villanueva, dated February 13, 2019, requesting a list of the Department members whose cases were being re-evaluated.

[7] In the Department's internal memorandum, the Department refers to the panel that considered the Mandoyan case as the "Truth and Reconciliation Panel." (*See* Exhibit 26, pp. 6-13, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter,* dated December 27, 2018, and Exhibit 29, *Declaration of Mary Wickham in Support of Petitioner/Plaintiff County of Los Angeles' Ex Parte Application for Temporary Restraining Order and Order to Show Cause*, filed on March 4, 2019 under case number 19STCP00630. But in a January 30, 2019 press conference made after the news of Mandoyan's discipline came to light, Chief Steven Gross called the Panel an "ad hoc committee.")
Since the Department in its internal reports called the members who reviewed the case the "Truth and Reconciliation Panel," for the sake of clarity, in this report, we will be using the term "Truth and Reconciliation Panel" to describe the Panel members who reviewed the case, and the "Truth and Reconciliation Process" as the process that this Panel used to reach their conclusions.

has been excised.[8] Were the additional records to have been included, we do not believe they would contradict the public record or shift the weight of the evidence collected by LASD.

The results of OIG's review are as follows:

(1) Substantial evidence exists in support of the Civil Service Commission's holding to sustain Mandoyan's discharge;

(2) A November 30, 2018 e-mail from Chief Alicia Ault to the in-coming Chief-of-Staff Lawrence Del Mese suggests that the current administration's efforts to reinstate or re-hire Mandoyan began well before his case was evaluated by the Truth and Reconciliation Panel;

(3) The Truth and Reconciliation process implemented by the Department to summarize and re-analyze the findings in the Mandoyan case was accomplished in an extremely short time period given the size of the record and complexity of the case;

(4) The December 28, 2018 settlement agreement between the Department and Mandoyan wherein Mandoyan would dismiss his civil cases against the County, his discipline would be reduced to a 12-day suspension, and he would be reinstated with back pay, may be invalid;[9]

(5) OIG staff did not identify evidence suggesting that the original discipline process was prejudiced against Mandoyan. The current Sheriff's various criticisms of the process used to discharge Mandoyan echo those made by Mandoyan's counsel at the Civil Service Hearing and were rejected by both the Civil Service Commission hearing officer and by the Civil Service Commission. Moreover, a disposition memorandum by the Truth and Reconciliation Panel makes no mention of due process violations, a biased Department investigation, or the hiding of exculpatory evidence in the Panel's analysis and recommendation that Mandoyan be reinstated; and

(6) Available information regarding the Truth and Reconciliation process, primarily in the form of a disposition memorandum, strongly suggests that key pieces of evidence regarding Mandoyan's actions may not have been considered by the current Sheriff and/or his Panel designees.

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[8] LASD also objected to the release of this report in any form, given that there is pending litigation regarding the Mandoyan rehiring. However, this Office is aware of no legal basis to suspend oversight functions because of the existence of civil litigation. Government Code section 25303 prohibits interference in the investigative function of LASD, not civil litigation, while County Code 6.44.190(F) directs the Inspector General to report on LASD disciplinary decisions and subsection (K) specifically excludes matters of public record from the ordinance's confidentiality restrictions. California has recently amended Penal Code section 832.7 to make public cases such as this one and the decision of LASD to rehire a person fired for dishonesty is of significant and immediate public interest. In any event, this Office is aware of no reason why an analysis of the Truth and Reconciliation process would interfere with litigation regarding the relative authority of various public officials.

[9] Issues relating to the authority of the Sheriff in pending legal matters are being litigated between County Counsel and the Sheriff and this Office takes no position on them beyond noting the issue and the factual basis for it.

I. Facts of the Mandoyan Case

Caren Mandoyan (Mandoyan) was discharged from the Department on September 14, 2016. The discharge was the end-result of an administrative process that investigated and reached evidence-based conclusions on allegations that Mandoyan had engaged in domestic violence against the victim, had attempted to break into the victim's apartment, had stalked and sent her unwanted text messages, and had made false statements during an Internal Affairs interview. The OIG reviewed the administrative case file under IAB Case No. IV2383392, an Addendum to IAB Case No. IV2383392 and also the Civil Service Hearing transcripts and the Civil Service Commission documents under Case No. 16-276, which were obtained by the Los Angeles Times pursuant to a Public Records Act request to the Civil Service Commission. A timeline of the underlying incidents, investigation, and Civil Service process, which span nearly three years, is provided in **Exhibit 1**. A summary of the key events regarding both the allegations and conclusions that led to Mandoyan's discharge is detailed below.

Mandoyan was initially hired as a reserve deputy in 2000. He became a full-time Deputy Sheriff in 2006. He was assigned to the West Hollywood Station from February 2007 to February 2013, serving as a training officer since 2009. Mandoyan met the victim at the West Hollywood Station where they were both assigned as deputies. At the time, the victim was training to be a patrol deputy and Mandoyan was assigned as the victim's training officer to help her to successfully complete patrol training.

At some point after completing patrol training, the victim and Mandoyan began a romantic relationship. In February 2013, Mandoyan transferred to the South Los Angeles Station. Around that same time, the victim took leave for approximately five to six months. After the victim returned to work, she became "engulfed with work and with the folks at work" and Mandoyan suspected she was "cheating."[10] According to the victim, Mandoyan became very controlling, demanding that she not attend station briefings, not talk to her partners, not talk to her cousins, and not assist her partners on calls. The victim stated that Mandoyan would call several times during her work shift and ask with whom she had spoken.[11]

By December 2013, Mandoyan and the victim had been dating for approximately a year. The victim stated that Mandoyan's behavior caused her to feel "suffocated" and "overwhelmed."

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[10] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, p. 9. Pursuant to a Public Records Act (PRA) request from the Los Angeles Times, the Civil Service Commission (CSC) produced the redacted copies of the CSC records related to the Mandoyan case. This exhibit was part of the redacted CSC records produced pursuant to the PRA request by the Los Angeles Times.

[11] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 70-72.

She characterized their relationship as "hostile." The victim stated that Mandoyan would call her names like “bitch,” “whore,” “slut” and “cunt” because she had dated other Department members before dating him.[12]

The victim stated she tried to break up with Mandoyan on multiple occasions, but he insisted they work on their relationship instead of ending it. The victim stated she felt “trapped” because Mandoyan told her that he was a “Reaper”[13] and had influence with people highly placed in the Department. She stated Mandoyan had threatened to affect her father’s job[14] and her job, so there was no chance for there to be a clean break. The victim understood the “Reaper” comment to mean that Mandoyan had friends who were Reapers, who held “higher positions” within the Department, and who could “make anything happen.”[15]

According to the victim, the relationship ultimately deteriorated to the point that Mandoyan physically assaulted her. The victim reported that on or about September 1, 2014, Mandoyan verbally and physically abused her after she tried to retrieve a mobile phone he had taken from her. In response, Mandoyan grabbed her by her neck, and pushed her to the couch and began to choke her. Mandoyan appeared to be in a “blackout rage” and said, "Look what you're making me do. Look what you're making me do.”[16] The victim was unable to breathe and believed she might die. She kicked at Mandoyan to get him off her and was able to free herself. At some point in the struggle, Mandoyan ripped the victim’s jeans. She ran to her bedroom and tried to lock the door, but Mandoyan blocked the door with his foot, causing damage to the bottom corner of the door. Mandoyan entered the bedroom, went to her closet, and ripped her clothes. The victim repeatedly told Mandoyan to leave and he finally complied.[17]

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[12] Ibid, pp. 77, 167-168.

[13] The “Reapers” are a deputy secret society, which is believed to have originated at the South Los Angeles Station. According to the victim, Mandoyan has a Reaper tattoo on the inside of his ankle. See Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times’ PRA request, pp. 79-82. See also, *Deputy reinstated by Sheriff Villanueva admitted to having tattoo linked to secret society*, Maya Lau, Matt Stiles, Los Angeles Times, Home Edition, March 28, 2019, Part A; Pg. 1. https://www.latimes.com/local/lanow/la-me-sheriff-mandoyan-tattoo-20190328-story.html.

[14] The victim’s father is a deputy in the Department. *See* Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times’ PRA request, p. 77, lines 18-20; p. 162, lines 7-12.

[15] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times’ PRA request, p. 79.

[16] Exhibit 5, Redacted victim’s El Segundo Police Department interview produced pursuant to the Los Angeles Times’ PRA request, pp. 9-10.

[17] Exhibit 6, Redacted victim Internal Affairs interview produced pursuant to the Los Angeles Times’ PRA request, pp. 28-33; Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times’ PRA request, pp. 156-158; Exhibit 42, Redacted El Segundo Police Department reports produced pursuant to the Los Angeles Times’ PRA request.

The victim and a friend reported that she discussed these events with the friend the night of the incident. A few days after the incident she showed the friend the damaged door and the bruising to her neck. The victim and deputies with whom she later worked reported she discussed these events with them prior to her reporting Mandoyan's conduct to the El Segundo Police Department. In July 2015, she reported these and other events to the El Segundo Police Department. She also reported that she took photos of the bruising to her neck and arms from the incident, and of the damage to her bedroom door caused by Mandoyan.[18]

According to Mandoyan, nothing physical occurred with the victim that night. He stated the damage to the victim's bedroom door happened when a cat toy got wedged into the door when the victim was vacuuming.[19]

By December 2014, the victim and Mandoyan had ended their romantic relationship; yet, they continued to have contact with each other. On or about December 27, 2014, the victim was inside her apartment, when she heard noises outside her window and door. She realized that Mandoyan was outside on her apartment patio trying to pry open her locked sliding glass door.[20] She recorded three videos of Mandoyan's actions,[21] one of which shows Mandoyan crouched at the victim's sliding glass door using a metal object to manipulate the bottom of the door.[22]

The victim reported that another incident occurred at her apartment in the early morning hours of January 26, 2015. The victim was home, with a locked front door. Mandoyan went to the apartment and began pounding loudly on her security door. He then went around to her back patio and began making noises and talking to the victim through her sliding glass door.[23] Mandoyan left the sliding glass door and opened her bathroom window.[24] The victim made a series of videos of this night. [25] A video filmed from inside the victim's darkened bathroom

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[18] Exhibit 10, Photographs of injuries to victim, produced pursuant to the Los Angeles Times' PRA request; Exhibit 11, Photographs of damage to bedroom door, produced pursuant to the Los Angeles Times' PRA request.

[19] Exhibit 3, Redacted Caren Mandoyan Internal Affairs interview produced pursuant to the Los Angeles Times' PRA request, pp. 18 and 57; Exhibit 11, Photographs of damage to bedroom door, produced pursuant to the Los Angeles Times' PRA request.

[20] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 174.

[21] Ibid.

[22] [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0702* [Video File]. Retrieved from https://www.youtube.com/watch?v=TNJx4vyez98.

[23] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 182, lines 3-15.

[24] Ibid, pp. 179-180, 182, lines 3-13.

[25] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 179, lines 12-16.

shows a faintly-seen window being pushed open by a backlit hand.[26] The victim is heard saying, "Get the fuck out of my house, Caren! Get out! Stop, dude!" as Mandoyan can be heard telling her to come outside.[27] The victim then says, "I'm calling the cops."[28] The victim testified at the Civil Service Hearing that as Mandoyan began to enter her bathroom window, he threw toiletry items on her windowsill at her.[29]

The victim testified that she did not call the police about these incidents because she did not want to get law enforcement involved and did not want Mandoyan to lose his job. She just wanted to move on with her life.[30] However, the conflict between the victim and Mandoyan appeared to continue in the form of both in-person conversations and what the victim believed to be harassing anonymous text messages from Mandoyan.

On or about June 21, 2015, the victim met with Mandoyan at her apartment to get him to stop sending her these harassing messages. Shortly after that conversation, an acquaintance contacted the victim and told her that Mandoyan had been following the victim. The victim believed Mandoyan would not change his behavior. As a result, she reported Mandoyan's behavior to her supervisor.[31] The anonymous texts to the victim stopped after she made this report to her supervisor.[32]

The victim's supervisor submitted a report to the Department's Policy of Equity Intake Unit.[33] Department personnel from the Equity Intake Unit assessed the allegations and determined that Mandoyan may have committed criminal acts. The victim was subsequently advised by the Department that she needed to report the potential criminal acts to the ESPD.

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[26] [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0781* [Video File]. Retrieved from https://www.youtube.com/watch?v=rzY4wbQy0n0.

[27] [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0781* [Video File]. Retrieved from https://www.youtube.com/watch?v=rzY4wbQy0n0; [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0783* [Video File]. Retrieved from https://www.youtube.com/watch?v=So6jZK6yBUc.

[28] Ibid.

[29] Exhibit 5, Redacted victim's El Segundo Police Department interview produced pursuant to the Los Angeles Times' PRA request, p. 16; Exhibit 6, Redacted victim Internal Affairs interview produced pursuant to the Los Angeles Times' PRA request, p. 85; Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 189, lines. 10-14.

[30] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, pp. 162-163, 178, 190-191.

[31] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 209-210: Exhibit 21, Redacted and incomplete "Policy of Equality (sic) Report/Notification" Form dated June 23, 2015, produced pursuant to the Los Angeles Times' PRA request.

[32] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 211, lines. 2-4.

[33] Exhibit 21, Redacted and incomplete "Policy of Equality (sic) Report/Notification Form" dated June 23, 2015, produced pursuant to the Los Angeles Times' PRA request.

On July 10, 2015, the Department relieved Mandoyan of duty. On July 14, 2015, the victim obtained a temporary restraining order against Mandoyan and reported the matter to the ESPD.[34] On July 29, 2015, a mutual stay-away agreement was executed by both parties,[35] and the temporary restraining order was allowed to lapse. After the victim's report to the ESPD, an ESPD detective conducted a follow-up interview of the victim. Thereafter, under ESPD report number 15-1659, Mandoyan was listed as a criminal suspect for stalking, a violation of Penal Code section 646.9(a), and domestic violence, a violation of Penal Code section 273.5(a). On September 8, 2015, the ESPD presented its case to the Los Angeles County District Attorney's Office (LADA). The LADA declined to file charges against Mandoyan, stating there was insufficient evidence to prove beyond a reasonable doubt that domestic violence had occurred.

After the LADA's declination and the Department's administrative investigation, Mandoyan was discharged from the Department on September 14, 2016.

II. Department's Investigation and Administrative Review of Mandoyan

Mandoyan's discharge was the culmination of an investigation and administrative review process that spanned over 14 months. An almost 500-page Internal Affairs investigation file contained the ESPD investigation, 14 audio taped and transcribed interviews, investigative summaries and logs, video evidence, and other evidentiary exhibits.

The OIG's review of the Internal Affairs investigation did not uncover any evidence calling into question the integrity of the administrative process. The statements of multiple witnesses corroborated the victim's specific allegations of domestic violence and stalking, as well as her general allegations of Mandoyan's jealous and controlling behavior. Video evidence directly contradicted Mandoyan's statements in which he denied attempting to break into the victim's residence, which substantiated the false statements allegation against him. A summary of the evidence which supports the allegations against Mandoyan is set forth in **Exhibit 2.**

Department investigators took reasonable investigative steps in selecting witnesses to interview, conducting interviews, and reviewing information in conformance with what appears to be generally accepted practices. The conclusions reached by the Department in 2016 appear to be supported by evidence gathered and reviewed at the time.

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[34] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 211, lines 5-92.

[35] Exhibit 12, Redacted Dispute Resolution Agreement executed on July 29, 2015, produced pursuant to the Los Angeles Times' PRA request, setting forth a mutual stay away order between Mandoyan and the victim.

The completed Internal Affairs investigation was presented to Mandoyan's former Chief for review. The former Chief reviewed the investigation and decided that the case should be presented to the Department's Case Review panel given the level of discipline Mandoyan could receive for his conduct.[36] The Case Review panel is comprised of the Undersheriff and two Assistant Sheriffs and reviews the findings and discipline in administrative investigations for which the disciplinary recommendation could result in a suspension without pay of more than 16 days, reduction in rank, or discharge. On August 12, 2016, the Mandoyan case was presented to the Case Review panel, which found that Mandoyan had engaged in domestic violence against the victim, had attempted to break into the victim's residence, had stalked the victim and sent inappropriate text messages to her, and that Mandoyan had been untruthful to Internal Affairs investigators during an administrative interview about the allegations. The Case Review panel recommended that Mandoyan be discharged.[37] The Office of Inspector General was present during that case review.

Former Sheriff Jim McDonnell approved the discharge and the Department served Mandoyan with a Letter of Intent advising him of the Department's intent to discharge him.[38] On September 6, 2016, Mandoyan attended a *Skelly* hearing[39] with his former Chief to address the issues involved in his case. There were no changes to the recommended discipline after the *Skelly* hearing, and on September 15, 2016, Mandoyan was served with a Letter of Imposition, notifying him that he was discharged.[40]

III. Civil Service Commission Proceedings

On September 26, 2016, Mandoyan appealed his discharge to the Civil Service Commission.[41] The Civil Service Hearing took place over five days. Mandoyan was represented by counsel (who also represented Mandoyan in his Internal Affairs Bureau interview), who actively engaged in

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[36] Exhibit 22, *Los Angeles County Sheriff's Department's Closing Brief*, pp. 17-18, filed under Civil Service case number 16-276 on November 28, 2017.

[37] Exhibit 30, Case Review Disposition for IV2383392, dated August 12, 2016.

[38] Exhibit 13, Redacted Letter of Intent dated August 15, 2016, notifying Mandoyan of the Department's intention to discharge him, produced pursuant to the Los Angeles Times' PRA request.

[39] A *Skelly* hearing must be provided to a County employee with civil service rights prior to the imposition of discipline. An employee's *Skelly* rights entitle the employee to due process consisting of: (1) notice of the intended disciplinary action; (2) a copy of all materials upon which the action is based; and (3) an opportunity to respond orally or in writing before the effective date of the disciplinary action. This hearing is named after the case of *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194. See discussion of this case in the section headed "Mandoyan's Due Process Rights were violated."

[40] Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request.

[41] Exhibit 15, Letter from Mandoyan's counsel, Michael A. Goldfeder, Esq., to the Los Angeles County Civil Service Commission, dated September 26, 2016, produced pursuant to the Los Angeles Times' PRA request.

the proceedings by filing motions, examining and cross-examining witnesses, and presenting written and oral arguments throughout the hearing. Through our review of this process, OIG staff did not identify evidence suggesting the proceedings were biased against Mandoyan.

The Civil Service Hearing resulted in approximately 962 pages of transcription and approximately 600 pages of exhibits. Mandoyan declined to testify at this hearing.[42]

On January 4, 2018, the hearing officer issued a 29-page report, upholding the Department's decision to discharge Mandoyan.[43] On February 27, 2018, Mandoyan filed objections to the hearing officer's report[44] and on May 16, 2018, the Civil Service Commission overruled Mandoyan's objections and adopted the hearing officer's decision as its final decision.[45]

On August 13, 2018, Mandoyan filed a *Verified Petition for Writ of Administrative Mandate* in the Los Angeles County Superior Court under case number BS 174714 seeking to vacate the Civil Service Commission's final decision and to reinstate Mandoyan with back pay. On August 27, 2018, Mandoyan also filed a separate *Complaint for Damages* against the County of Los Angeles related to his discharge, alleging invasion of privacy, the unlawful practice of law, and practicing a business without a license under case number BC 719337. Both of those cases remained active until they were purportedly resolved by a "settlement agreement" executed on December 28, 2018, by the Department and Mandoyan, but which was not signed by County Counsel or any other attorney for the County.

IV. Sheriff Villanueva's Criticisms of Mandoyan's Discharge

Sheriff Villanueva has made several public statements to the Board of Supervisors, the Civilian Oversight Commission (COC), and the media that criticize the processes that led to Mandoyan's discharge. Specifically, the Sheriff has claimed that Mandoyan was denied due process; that his firing was the result of illegitimate disciplinary rules; that Department investigators and decision-makers were biased; and that exculpatory information was improperly excluded from

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[42] Rule 4.11 of the Civil Service Rules provides that the petitioning employee [Mandoyan in this case] "shall not be required to testify."

[43] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 29.

[44] Exhibit 17, Redacted copy of motion filed by Mandoyan's counsel entitled, *"Caren Mandoyan's Objections to the Findings of Fact; Conclusions of Law; and Recommendations of Hearing Officer Joseph Scully,"* filed February 27, 2018, in case no. 16-276, produced pursuant to the Los Angeles Times' PRA request.

[45] Exhibit 18, Redacted Order of Civil Service Commission sustaining Discharge, dated May 23, 2018, which overruled Mandoyan's objections and adopted as its final decision the finding and recommendation of the hearing officer to sustain the Department's discharge of Mandoyan, produced pursuant to the Los Angeles Times' PRA request.

Mandoyan's Civil Service Hearing. These criticisms are not supported by the available evidence. Each of the Sheriff's claims are addressed below.

"Mandoyan's due process rights were violated"

The Sheriff has stated several times that Mandoyan was not afforded his due process rights.[46] For instance, at a press event in March 2019, Sheriff Villanueva was asked, "…on the reinstatement [of Mandoyan] it's caused a lot of problems, why is it you are sticking your neck out so much on this?" The Sheriff replied, "[w]ell it's the issue of due process. And someone asked me last night is that the hill you wish to die on, and when it comes to defending and supporting the Constitution particularly the 14th Amendment, it's very important."[47]

The 14th Amendment to the United States Constitution states, in part, that the government cannot "deprive any person of life, liberty, or property, without due process of law." Such protections extend to state and local civil service employees. (See *Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194). In the *Skelly* case, the California Supreme Court observed ". . . that the California statutory scheme regulating civil service employment confers upon an individual who achieves the status of permanent employee a property interest in the continuation of his employment which is protected by due process." (*Id*. at p. 206). Under the *Skelly* case and its progeny, due process requires that before discipline is imposed on any public employee with civil service protection, the following must be done:

1. Notice of the proposed action must be given to the employee;
2. A statement of the reasons for the proposed action must be given to the employee;
3. A copy of the charges and materials upon which the proposed action is based must be given to the employee;
4. And the right to respond, either orally or in writing, to the authority imposing discipline must be given to the employee. (Id. at p. 215).

In Mandoyan's case, the Department met all of these requirements. Specifically, Mandoyan was sent a notice of the proposed disciplinary action on August 15, 2016.[48] He elected to have a

[46] See, LASD End of the Month Update on March 27, 2019, approx. at timestamp 19:45: https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/vb.225060950854159/625296577883782/?type=2&theater; See also, Exhibit 44, OIG Partial Transcript of March 27, 2019 LASD End of the Month meeting.

[47] Ibid.

[48] Exhibit 13, Redacted Letter of Intent to Discharge Caren Mandoyan dated August 15, 2016, produced pursuant to the Los Angeles Times' PRA request.

Skelly hearing before his former Chief, and presented his case to his former Chief.[49] On September 15, 2016, the Department sent Mandoyan a letter informing him of his discharge.[50] At each stage of that process, Mandoyan asserted his rights and responded to the Department's actions and decisions against him.

Under Los Angeles County Civil Service Rule 4.03 and 4.05, as a permanent civil service employee, Mandoyan had the right to petition his discharge to the Civil Service Commission. Mandoyan exercised that right, and his right to appeal the findings of the Civil Service Commission before the Superior Court.

Mandoyan fully exercised the rights afforded to him by the federal Constitution, the California State Constitution, and the Los Angeles County Civil Service Rules. Our review yielded no evidence that Mandoyan's due process rights were violated.

"Mandoyan's alleged conduct should not have resulted in discharge"

The Sheriff has repeatedly stated that the allegations in the Mandoyan case "did not rise to the level of a discharge."[51] However, statements of this type do not accurately represent the range of discipline available for the sustained allegations that resulted in Mandoyan's discharge.

The Department's Guidelines for Discipline are used to assist Department supervisors, managers, and executives in deciding when and how to impose discipline. Shortly after taking office, Sheriff Villanueva reinstated the Guidelines for Discipline that had been in place in 2012. Both the 2012 Guidelines for Discipline and the Guidelines for Discipline used to adjudicate Mandoyan's case had a ceiling of discharge for the misconduct, which Mandoyan was found to have engaged in.[52]

Both versions of the Guidelines for Discipline allow for discharge if a deputy is found to have provided false statements to Internal Affairs investigators. The previous administration found

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[49] Exhibit 38, Redacted Civil Service Hearing Transcript, July 25, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 103-104.

[50] Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request.

[51] Exhibit 20, Partial transcript of the Meeting of the Los Angeles County Board of Supervisors, dated January 29, 2019, p.52.

[52] *Sheriff's Department Reverts to Less Stringent 2012 Deputy Disciplinary Rules, At Least For Now*, Frank Stoltze, LAist, December 14, 2018. https://laist.com/2018/12/14/la_sheriff_eliminates_some_deputy_disciplinary_rules_and_weakens_others.php; Exhibit 38, Redacted Civil Service Hearing Transcript, July 25, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 99, lines 13-25, p. 101, lines 12-17, p. 102, lines 7-9; Exhibit 19, Comparison Chart of Guidelines for Discipline, Dishonesty/False Statements.

that Mandoyan had made false statements; the Civil Service hearing officer found that Mandoyan had made false statements; and the Civil Service Commission affirmed the hearing officer's findings. These findings were based on evidence the hearing officer and the Civil Service Commission found to be persuasive: a video of Mandoyan prying at the base of a sliding glass door, which he described as him attempting to make noise to get the victim's attention. Each of these reviewing bodies, even if they were to have used the 2012 Guidelines, would properly have upheld the discharge of Mandoyan for making false statements since discharge was within the disciplinary range of either version of the Guidelines for Discipline. Courts have found that domestic violence demonstrates a "readiness to do evil," the federal government precludes the carrying of a gun for those convicted of the criminal version of such conduct, and unfailing honesty is essential to the core function of a peace officer.

"The Department's investigation and adjudication of Mandoyan's case was biased"

The Sheriff has criticized the Department's Internal Affairs investigation of the Mandoyan case. He stated that the Internal Affairs investigator "egged on" the complainant (identified as the victim in this Report).[53] This argument was previously made by Mandoyan's attorney to the Civil Service hearing officer in his November 27, 2017 closing brief. In that brief, Mandoyan's attorney alleged that the investigation was unfair "[b]ecause why let the truth interfere with the predetermined outcome of an IAB investigation when the Sergeant running it can censor those facts with '*a shoddy, one sided, and incomplete Investigation (sic)*' since they don't fit into his agenda to terminate Deputy Sheriff Caren Mandoyan from his position as a *Hard Working FTO at Lennox/South LA Station*."[54] Despite the opportunity afforded to Mandoyan to prove this point, neither the hearing officer nor the Civil Service Commission found sufficient evidence to support these arguments when they upheld Mandoyan's discharge. OIG staff did not find evidence that the Internal Affairs investigator "egged on" witnesses or conducted a "one sided" investigation.

The Sheriff has also made comments accusing the Civil Service Commission of being a "kangaroo court" that was improperly swayed by former sheriffs.[55] OIG staff uncovered no evidence that the County's Civil Service Commission is biased against defendant employees. Like all department employees who appear before the Civil Service Commission, Mandoyan was

[53] Exhibit 8, Partial transcript of Sheriff's Comments to the Civilian Oversight Committee on January 22, 2019, p. 16.

[54] Exhibit 22, Redacted copy of Caren Mandoyan's Civil Service Hearing Closing Argument entitled, *"Caren Mandoyan's Closing Argument,"* in Case No. 16-275, filed on November 27, 2017, p. 15, lines 11-14; produced pursuant to the Los Angeles Times' PRA request.

[55] Exhibit 8, Partial transcript of Sheriff's Comments to the Civilian Oversight Committee on January 22, 2019, p. 6.

afforded and did exercise various procedural protections – including input into the selection of the hearing officer in his case.[56] The evidence reviewed by this office strongly supports the conclusion the hearing officer and Commission reached.

Finally, available Civil Service Commission data shows that the Commission often **disagrees with disciplinary decisions** reached by the Department. Data for 2015 adjudications shows that the Commission did not "sustain" or only "sustained in-part" about one-third (approximately 32%) of the Department cases they heard.[57]

"Exculpatory evidence was not presented at the Civil Service Hearing"

At a recent Civilian Oversight Commission meeting, Sheriff Villanueva stated that exculpatory evidence was not presented at Mandoyan's Civil Service Hearing.[58] The Sheriff referenced a June 3, 2015 memorandum that Mandoyan had written to his supervisor and stated that this "exculpatory evidence" was never presented to the hearing officer. However, the June 3, 2015 memorandum referenced by the Sheriff was included in the Department's Internal Affairs investigation of Mandoyan and was presented at the Civil Service Commission hearing.

Internal Affairs interviewed Mandoyan's supervisor about the memorandum. Internal Affairs also interviewed Mandoyan about the memorandum in the presence of his attorney. The June 3, 2015 memorandum was included as an exhibit in the Civil Service Hearing and Mandoyan's supervisor testified as to the contents of the memorandum and the circumstances of its drafting.

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[56] Exhibit 23, Redacted copy of the *Selection of Hearing Officer* form dated December 19, 2016, produced pursuant to the Los Angeles Times' PRA request. In this case, three hearing officers were listed. The Department and counsel for Mandoyan each rejected one of the listed individuals, leaving Joseph Scully as the assigned hearing officer. See also, Procedural Rules of the Civil Service Commission of Los Angeles County, Los Angeles County Code § 5.01.

[57] Exhibit 24, 2015 Annual Report of the County of Los Angeles Civil Service Commission, p. 12.

[58] March 26, 2019, Civilian Oversight Commission meeting approx. at timestamp 3:12:15. Audio recording of meeting: http://lacountymediahost.granicus.com/MediaPlayer.php?clip_id=7324.

"The Truth and Reconciliation Panel came to its own findings without being influenced by any outside parties"

At a January 30, 2019, Department press conference, Sheriff Villanueva asserted that the Mandoyan re-evaluation process was evidence-based and without a predetermined outcome, stating:

> Well in all the cases we're looking at, our starting point is we don't have a predetermined outcome which was a huge assumption of people. No. In fact in this particular case [Mandoyan] it was, if the evidence supports a termination well then he would not be back at work. Period. And so our starting point is does the result is the result supported by the evidence on hand. So we have about half a dozen cases and one in particular is even worse than this one.[59] (Emphasis added).

The Sheriff stated that during the first week of his administration, he initiated the review of the Mandoyan case and "gave the process over to Chief Gross."[60] He further stated:

> I initiated the review. I requested, "Okay let's start the review, let's pick, let's start with these low hanging fruit that we need to address" and that's when we gave the process over to Chief Gross and then he took off on his own to decide, "Okay is this sustainable or not?"[61]

Chief Steven Gross was present at the press conference and stated the factual analysis of Mandoyan's case was based on information that the Department already had in its possession and no further investigation was conducted. The factual analysis was set forth in a memorandum, which was then presented to the "*ad hoc* committee." Chief Gross further stated that the committee reviewed the charges against Mandoyan, the records in the Department's possession, the prior disciplinary disposition, and the 2012 Discipline Guidelines.

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[59] See, https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/296087491107718/ , approx. at timestamp 32:09 to 32:50.

[60] See, https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/296087491107718/, approx. at timestamp 48:45 to 49:56.

[61] See, https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/296087491107718/, approx. at timestamp 48:45 to 49:56.

The Assistant Sheriff then made findings, which were documented and presented to the Sheriff for his review.[62]

However, a November 26, 2018 e-mail from the Sheriff-elect's new Chief-of-Staff Lawrence Del Mese to Chief Alicia Ault, the former chief of the Professional Standards Division supports the conclusion that Mandoyan's rehiring was sought prior to the review of the case.[63] On November 26, 2018, former-Sheriff McDonnell conceded the election to Sheriff-elect Villanueva. On that same date, Mr. Del Mese sent Chief Ault an e-mail with a document attached (this document is not public and the Department objects to its release), and a subject line that read "Mandoyan."

At the time of this e-mail, the Sheriff-elect had not yet taken office and the "Truth and Reconciliation Panel" (Panel) which considered the Mandoyan case had not yet been formed. As a retired lieutenant, Alex Villanueva would not have had access to Mandoyan's personnel file and would not have had access to Mandoyan's administrative case file. As such, it can be inferred that the Sheriff and/or his executive staff were proceeding only on the basis of secondary sources of information on this case. In her e-mail, sent on the last day before her retirement, Chief Ault wrote that she had forwarded the attached document to County Counsel so that County Counsel and Mr. Mandoyan's attorney could work together **"to achieve the goal of returning him [Mandoyan] to work**." (Emphasis added). Based on the e-mail, it appears that the current administration gave direction on the ultimate outcome of this process -- bringing Mandoyan back to work – before the Sheriff ever took office.[64]

Despite the Sheriff's description of the Mandoyan case as "low-hanging" fruit – presumably meaning that if one were to review the evidence, it would be clear that Mandoyan was wronged and that the allegations against him had no merit[65]-- as will be discussed in detail

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[62] See, Press Conference comments by Chief Steven Gross regarding the Mandoyan discipline re-evaluation process at https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/296087491107718/, approx. at timestamp 27:03 to 29:31.

[63] The Professional Standards Division is comprised of several units including IAB and Advocacy Unit. IAB has a myriad of responsibilities, one of which is to conduct administrative investigations of policy violations by Department members. The Advocacy Unit oversees legal issues and provides legal advisement for Case Review, administrative investigations and post investigation grievances and represents the Department before the Civil Service Commission. As chief of the Division, Chief Ault reported directly to the Sheriff and Undersheriff. *See* Department's Manual of Policies and Procedures Sections 2-04/010.00, 2-04/010.05, and 2-04/010.15.

[64] Exhibit 27, Redacted copy of e-mail from Chief Alicia Ault to Lawrence Del Mese, dated November 30, 2018, produced pursuant to the Los Angeles Times' PRA request.

[65] "LA County will go to Court to try to Force Re-hired Deputy to turn in Gun and Badge," Stoltze, Frank, March 3, 2019, LAist, https://laist.com/2019/03/03/villanueva_mandoyan_los_angeles_county_sheriff_dispute.php.

below, there is strong evidentiary support for the Department's original discharge decision and the decision made by the Civil Service Commission.

Moreover, even the Sheriff's "Truth and Reconciliation Panel," which re-evaluated the Mandoyan case, **made no mention of due process violations, a biased Department investigation, or the hiding of exculpatory evidence** in its analysis and recommendation that Mandoyan be reinstated.[66]

V. The Truth and Reconciliation Process

Mandoyan was reinstated on or about December 28, 2018. OIG staff reviewed available documentation created as a result of his reinstatement and interviewed senior Department staff. The evidence we reviewed suggests that Mandoyan's return to duty may have been preordained, rather than the product of an objective "Truth and Reconciliation" process. As stated above, an e-mail from Chief Ault strongly suggests that efforts to bring Mandoyan back to work predate any factual re-evaluation of his case by the Truth and Reconciliation Panel. Moreover, the evidence also suggests the Department may not have had sufficient time or have spent the necessary resources to conduct a full and thorough review of the process used to discharge Mandoyan.

In approximately 25 days, the Truth and Reconciliation Panel overturned a year-long administrative process that involved hundreds of pages of interviews, documents, and other exhibits, and that was subsequently affirmed through a five-day Civil Service Hearing. Historically LASD has struggled to make evidence-based discipline decisions rapidly. Further, the findings in a memorandum setting forth the analysis of the Panel are silent on key pieces of evidence, including video evidence and corroborating witness statements.[67]

The earliest available written document regarding the process that led to Mandoyan's reinstatement is the **November 30, 2018** e-mail by Chief Ault that she sent in response to a November 26, 2018 e-mail from Mr. Del Mese, the incoming Chief-of-Staff to Sheriff-elect Villanueva. Those emails precede the Sheriff's taking office and suggest that the Sheriff-elect and/or his designees were already working towards Mandoyan's return. The November 30, 2018 e-mail by Chief Ault states:

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[66] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter,* dated December 27, 2018, pp. 5-6. This document, entitled, *"Declaration of Eliezer Vera in Support of Respondents/Defendants Alex Villanueva and Los Angeles County Sheriff Department's Opposition to County of Los Angeles' Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction,"* was attached to a motion and documents filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019. This is a public document that was filed in the Los Angeles Superior Court.

[67] Ibid.

> As today is my last day in service to the county I wanted to close the loop on this request. I have given this document to Ms. Prijo Ranashinge (sic), County Counsel, **to process Sheriff Elect Villanueva's priority request forward**.
>
> I have been told this request has been given to contract counsel and the County Counsel Litigation Attorneys to work together with Deputy Mandoyan's attorney **to achieve the goal of returning him to work**.[68] (Emphasis added).

Based on this e-mail, it appears that the process of reinstating Mandoyan started before the Sheriff was sworn into office on December 3, 2018, and well before the Truth and Reconciliation Panel had been created. However, at this point such a process cannot be described as evidence-based since the incoming administration had no access to the internal file.

Sheriff Villanueva was sworn into office on **December 3, 2018**. He stated in response to a direct question during a press conference that the first effort to re-hire Mandoyan was when he initiated the review of the Mandoyan case during the first week of his administration and "gave the process over to Chief Gross."[69] At that press conference, on January 30, 2019, Chief Gross stated that the review was based on information that the Department already had in its possession and no further investigation was conducted.

Ten days after the Sheriff was sworn into office, a **December 13, 2018** Department memorandum entitled *Analysis of Administrative Investigation IV 2383392 – Deputies Caren Mandoyan and [victim]* (Analysis Memorandum), was addressed to Chief Gross.[70] Chief Gross had requested this "memorandum be prepared to distill the documentary file in Mandoyan's personnel action to a manageable chronology and summary analysis of key evidence for use in

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[68] Exhibit 27, Redacted copy of e-mail from Chief Alicia Ault to Lawrence Del Mese, dated November 30, 2018, produced pursuant to the Los Angeles Times' PRA request. The original Del Mese e-mail of November 26, 2018, appears to be a "priority request forward" from Sheriff Villanueva, but the forwarded request from the Sheriff-elect was not included.

[69] See, https://www.facebook.com/LosAngelesCountySheriffsDepartment/videos/296087491107718/, approx. at timestamp 48:45 to 49:56.

[70] Exhibit 28, Declaration of Steven E. Gross, p.2, lines 19-24, filed concurrently with "*Respondents/Defendants Alex Villanueva and Los Angeles County Sheriff Department's Opposition to County of Los Angeles' Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction,"* filed in County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019. This is a public document that was filed in the Los Angeles Superior Court.

the anticipated Truth and Reconciliation Panel review . . . ."[71] Chief Gross "reviewed and approved the memorandum for transmission to the Panel for use in the Mandoyan matter."[72]

On **December 21, 2018**, eight days after the date on the Analysis Memorandum, the Panel met to discuss the previously founded allegations in the Mandoyan case. A December 27, 2018 memorandum entitled *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter* (Panel Memorandum) was written to document the Panel's review of the Mandoyan administrative investigation.[73] According to this Panel Memorandum, the Panel determined that the discipline imposed on Mandoyan was excessive and that "several of the Department's rulings lacked a factual and corroborated basis."[74] The Panel recommended rescinding Mandoyan's discharge and, instead, imposed a 12-day suspension. The Panel Memorandum states:

> Although the hearing officer and Civil Service Commission ruled in the Department's favor, the foundation for these decisions appeared to be heavily weighted on [the victim]'s credibility and presentation during her testimony at the hearing.[75]

On **December 28, 2018**, the Department and Mandoyan executed a settlement agreement (Settlement Agreement) whereby Mandoyan's discipline would dismiss his civil lawsuit and writ petition against the County, his discipline would be reduced to a 12-day suspension, and he would be reinstated with back pay and credited for the benefits that would have accrued since his discharge.[76]

The Settlement Agreement is marked by several significant irregularities. First, it purports to settle Mandoyan's two civil actions against the County in exchange for a lowering of discipline,

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[71] Ibid, p. 2, lines 24-27.

[72] Ibid, p. 3 lines 2-3.

[73] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, filed as Exhibit 1 to the *Declaration of Eliezer Vera in Support of Respondents/Defendants Sheriff Alex Villanueva and Los Angeles County Sheriff Department's Opposition to County of Los Angeles' Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction,"* filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019. This is a public document that was filed in the Los Angeles Superior Court.

[74] Ibid. at page 6.

[75] Ibid.

[76] Exhibit 28, *"Respondents/Defendants Sheriff Alex Villanueva and Los Angeles County Sheriff Department's Opposition to County of Los Angeles' Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction,"* filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019, p. 5; Exhibit 29, "*Declaration of Mary Wickham in Support of Petitioner/Plaintiff County of Los Angeles' Ex Parte Application for Temporary Restraining Order and Order to Show Cause,"* pp. 4-8, filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019. This is a public document that was filed in the Los Angeles Superior Court.

reinstatement to duty, and back pay.[77] However, the Settlement Agreement was not signed by a legal representative of the County. The Los Angeles County Charter provides that County Counsel has "exclusive charge and control of all civil actions in which the County or any officer thereof, is concerned or is a party." Moreover, County Counsel has represented that it advised the Department "not to move forward [on the Mandoyan matter] until there was a full investigation and until County Counsel was further consulted. And that consultation . . . did not happen."[78] That assertion is reiterated by the declaration of County Counsel Mary Wickham that was filed in subsequent litigation between the Department and the County. The Wickham declaration states that no one at the Office of County Counsel authorized the settlement of Mandoyan's two civil cases.[79] The absence of a lawyer's signature on the purported settlement agreement tends to corroborate this assertion.

Mandoyan was discharged effective September 14, 2016, and was purportedly reinstated effective December 30, 2018.[80] Civil Service Rule 17.01 allows for reinstatement only if no more than two years have passed from separation from County service.[81] In addition, the Department's Manual of Policy and Procedures 3-02/130.00, *Reinstatement/ Restoration*, states that "[i]t shall be the policy of this Department, in conformance with Civil Service Rule #17, that personnel whose absence from County service exceeds two years shall not be eligible for reinstatement."

On **January 8, 2019**, then-Assistant Sheriff Timothy Murakami requested that Mandoyan be reinstated to full-duty effective December 30, 2018.[82] As such, the Truth and Reconciliation process appears to have taken just 25 days, inclusive of four weekends and the Christmas

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[77] Exhibit 29, "*Declaration of Mary Wickham in Support of Petitioner/Plaintiff County of Los Angeles' Ex Parte Application for Temporary Restraining Order and Order to Show Cause,"* pp. 4-8*,* filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019. This is a public document that was filed in the Los Angeles Superior Court.

[78] Exhibit 20, Partial transcript of the Los Angeles County Board of Supervisors Meeting on January 29, 2019, p. 49, lines. 17-21. Note that the highlighted quote is erroneously attributed to Sheriff Villanueva. The video recording of the meeting reflects that the speaker was Chief Deputy County Counsel Lawrence Hafetz.

[79] Exhibit 29, *Declaration of Mary Wickham in Support of Petitioner/Plaintiff County of Los Angeles' Ex Parte Application for Temporary Restraining Order and Order to Show Cause*, filed on March 4, 2019 under case number 19STCP00630. This is a public document that was filed in the Los Angeles Superior Court.

[80] Ibid.

[81] Civil Service Rule 17.01(A) states: After approval by the director of personnel, any person who has been separated from county service without fault or delinquency may be reinstated by the appointing power <u>within two years from the date of such separation</u>, to any position held on an eligible basis prior to such separation, or to any other position to which a transfer, reassign mentor voluntary reduction from that position would be authorized by these Rules. Within two years of the date of separation, former permanent employees may be reinstated to appropriate temporary or recurrent positions. (Emphasis added).

[82] Exhibit 29, "*Declaration of Mary Wickham in Support of Petitioner/Plaintiff County of Los Angeles' Ex Parte Application for Temporary Restraining Order and Order to Show Cause,"* p. 9, filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019. This is a public document that was filed in the Los Angeles Superior Court.

holiday, to research, review, and re-evaluate the Mandoyan case. Given the size of the record and the complexity of the case, this is a very short time frame within which to conduct a full and thorough review of the prior administrative process and come to the decision to rehire Mandoyan.

Lastly, the Panel Memorandum setting forth the analysis by the Truth and Reconciliation Panel is silent as to key pieces of evidence, including video evidence and corroborating witness statements. The Panel Memorandum purportedly documents the re-evaluation of allegations against Mandoyan. As such, OIG staff closely reviewed the Panel Memorandum and our analysis of the Panel's findings and conclusions is below.

Domestic Violence Allegations

The following allegations of domestic violence related to the evening of September 1, 2014, were originally **Founded** by the Department and sustained by the Civil Service Commission: (a) Mandoyan pushing and/or grabbing the victim by her arm; (b) placing his hand around the victim's neck and/or squeezing it, restricting her ability to breathe; (c) using his foot to stop the victim from closing her door as she tried to retreat from his assault; and/or, (d) damaging the door to the victim's residence.[83]

The Panel found these allegations to be **Unresolved**.[84] The Panel Memorandum states:

> The [P]anel found the Department was flawed to rule in such a definitive manner based upon conflicting and unsubstantiated statements between two parties. In particular, there was no supporting evidence to confirm a domestic violence incident occurred between Mr. Mondoyan (sic) and [the victim], in September of 2014, except for the undocumented account provided by [the victim], which Mr. Mondoyan (sic) emphatically denied. All photographic evidence submitted by [the victim] was

[83] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, pp.21-22; Exhibit 14, Letter of Imposition of Discharge of Caren Mandoyan, dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request, p. 2.

[84] According to the Department's Administrative Investigations Handbook, which was last revised on October 17, 2005, "Unresolved" means the investigation fails to resolve the conflict between the complainant's allegation and the Department member's version of the incident and there is no preponderance of the evidence to support either version of the incident. "Unfounded" means that the investigation establishes by a preponderance of the evidence that the allegations are not true. "Founded" means that the investigation establishes the allegation is true and when the action on the part of the Department members is prohibited by law or Department policy. "Exonerated" means that the evidence establishes by clear and convincing evidence either that the employee was not personally involved in any way; or that the allegation giving rise to the investigation was demonstrably false and brought In bad faith; or that the allegation in question, even if true, does not violate any laws or Department policies.

> significantly delayed in reporting and could not be date verified; as a result, the [P]anel found the allegations of domestic violence against Mr. Mondoyan (sic) to be **Unresolved**."[85]

The Panel based its finding on a lack of corroboration of the allegations made by the victim. As Mandoyan and the victim offered two drastically different versions of what occurred that evening, the Panel determined that neither party was more credible than the other, and that the allegations were therefore "Unresolved."

As described by the Department to the OIG, the Panel did not take new testimony or interview any witnesses. Therefore, unlike the hearing officer, the Panel did not have an opportunity to observe the victim or the witnesses who testified at the Civil Service Commission hearing. Presumably[86] the hearing officer considered the existence or nonexistence of any bias, interest or other motives of the witnesses (including the victim), and evidence of the witnesses' character for honesty or truthfulness or their opposites, as did the Panel. However, the Panel did not have the opportunity, as did the hearing officer, to observe and evaluate the witnesses' ability to remember and communicate their attitude about giving testimony, the character and quality of that testimony, and their demeanor and manner as witnesses. Notwithstanding this lack of information the law recognizes as important in evaluating the credibility of witnesses in cases in which the burden of proof is much higher than in disciplinary cases,[87] the Panel substituted its judgment of credibility that of the hearing officer.

Additionally, the OIG has identified supporting evidence that corroborates the victim's allegations, and that could and did lead the civil service hearing officer to credit her account rather than Mandoyan's at the civil service hearing. That evidence includes corroborating witness statements, documents, and the actions and testimony of both parties before and during the Department's investigation.

The Panel does not cite any evidence, competent or otherwise, in support of its decision to substitute its own judgement in place of the hearing officer's. The memorandum simply states Mandoyan and the victim provided two different versions of events, and the Panel could not resolve which party's version of events to believe beyond a preponderance of the evidence.[88]

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[85] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 2.
[86] California Evidence Code section 664 establishes a legal presumption that an official duty is regularly performed.
[87] California Jury Instructions Criminal (CALJIC) 2.20 Believability of a Witness (Fall 2018); Judicial Council of California, Criminal Jury Instructions (CALCRIM) 226 Witnesses (Spring 2019).
[88] Ibid.

The Panel Memorandum states there were "no independent witnesses or corroborating evidence toward the events."[89] By thus stating, it appears that the Panel did not take into account the fact that the victim told a number of individuals about the September 2014 assault long before she reported the incident to the Department. For example, on the night of the assault, the victim telephoned a close friend and relayed specific details about the assault. Sometime thereafter, that friend observed bruising on the victim's neck consistent with the victim's account of the assault. However, the Panel Memorandum does not discuss whether the Panel found the eyewitness account by the victim's friend of seeing bruising on the victim's neck corroborative or not. Multiple other individuals had also provided third-party accounts in support of the victim. A chart describing this allegation and the corroborating evidence found in the records and files of this case is set forth in **Exhibit 2**.[90]

Allegations of Attempting to Enter the Victim's Residence

The following allegations of Mandoyan attempting to gain entry into the victim's apartment were **Founded** by the Department and sustained by the Civil Service Commission: (a) being captured on a video-recording attempting to gain entry into the victim's residence through the balcony sliding glass door; (b) using a tool/object/"pulley" to pry the victim's sliding glass door off of the track system; (c) attempting to gain entry into the victim's residence even after the victim repeatedly told him to go away; and (d) attempting to enter the victim's residence through the bathroom window without her permission.[91]

The Panel found these allegations to be **Unresolved**. The Panel Memorandum states that:

> It appeared in the Department's initial review of the case, Mr. Mandoyan's account was summarily dismissed, while

[89] Ibid.

[90] On or about June 14, 2019, the Department's counsel asserted in a letter to the Inspector General in which he objected to the release of this report that during the Civil Service Commission proceedings the Internal Affairs Bureau had recorded an interview of a mutual friend of Mandoyan and the victim who is alleged to have said that the "[victim] told her that Deputy Mandoyan had not done anything to make the female deputy afraid of Mandoyan, and that if he had done something, the [victim] would have committed physical violence against Mandoyan, as the [victim] was the one in the relationship who did the "hitting" (or words to that effect)." The same assertion was made by the Department to the Inspector General on June 17, 2019. The Office of Inspector General requested that the Department provide the OIG with evidence of this interview. In response the Department provided a link to a March 30, 2019 ABC 7 news cast in which the witness was identified as Lisa Richardson and a general denial that the Department had any recollection of such an interview or possessed evidence of the interview.

[91] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2018 produced pursuant to the Los Angeles Times' PRA request, pp. 22-23; Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan, dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request, p. 3.

> full credibility was provided to [the victim]'s testimony and her interpretation of Mr. Mandoyan's intent and mindset during the incident. The [P]anel founded (sic) due to the conflicting explanations provided by both [the victim] and Mr. Mandoyan, the above charges and any associated issues concerning false statements and dishonesty were determined to be "**Unresolved**."[92]

As detailed above, on or about December 27, 2014, the victim was inside her apartment, when she heard noises outside her window and door. She then realized that Mandoyan was outside on her apartment patio trying to pry open her locked sliding glass door.[93] The victim recorded three videos of Mandoyan's actions.[94] One of the videos shows, Mandoyan crouched at the victim's sliding glass door using a metal object to manipulate the bottom of the door.[95]

In his Internal Affairs interview, Mandoyan stated he was not trying to enter the victim's apartment. He stated that he had had an argument with the victim and she had locked him out

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[92] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 2.

[93] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 173-178.

[94] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 174.

[95] [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0702* [Video File]. Retrieved from https://www.youtube.com/watch?v=TNJx4vyez98.

of the apartment. He claimed his actions were only intended to draw the victim's attention, not to enter the apartment. After viewing the videos, Mandoyan told investigators he used the metal object to make noises so that the victim would let him into the apartment.[96]

However, at the Civil Service Commission hearing, witnesses – including one who was called to testify by Mandoyan's counsel – stated that the video appeared to show Mandoyan trying to gain entry into the apartment.[97]

Similarly, on January 26, 2015, Mandoyan allegedly followed the victim home from work and attempted to enter her residence through a bathroom window and a sliding glass door. The victim made a series of videos of Mandoyan as he talked to her from the sliding glass door and then opened her bathroom window.[98] One video is filmed from inside the victim's darkened bathroom in which a window can be faintly seen being pushed open by a backlit hand. The victim says, "Get the fuck out of my house, Caren! Get the fuck out! Get out! Stop, dude, get out of my house!" as Mandoyan can be heard telling her to come outside. The victim then says, "I'm calling the cops."[99]

Although Mandoyan admitted to opening the bathroom window, he stated that he was merely trying to apologize to the victim for an argument they had been in earlier when he was driving to her apartment. He further stated that he never entered the bathroom or threw things at the victim. Mandoyan stated that items fell from the window ledge as he opened the window.[100] However, in the video where the bathroom window can be faintly seen being pushed open by a backlit hand,[101] most of the noises from items arguably hitting various unknown surfaces occur **after** the window is already opened; thus, supporting the victim's story that things were being thrown at her. Moreover, the videos recorded by the victim do not capture Mandoyan saying anything akin to an apology.[102] According to the hearing officer and the victim, the victim is

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[96] Exhibit 3 Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, pp. 21-22 and 74-76.

[97] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 56, lines 7-19.

[98] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 179-181, 182, lines 3-15.

[99] [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0781* [Video File]. Retrieved from https://www.youtube.com/watch?v=rzY4wbQy0n0.

[100] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, pp. 63-64 and 80.

[101] [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0781* [Video File]. Retrieved from https://www.youtube.com/watch?v=rzY4wbQy0n0.

[102] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 18; [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0781* [Video File]. Retrieved from https://www.youtube.com/watch?v=rzY4wbQy0n0; [Celeste Fremon] (2019, April 1). *Mandoyan video – IMG 0783* [Video File]. Retrieved from https://www.youtube.com/watch?v=So6jZK6yBUc.

heard talking with Mandoyan through her sliding glass door.[103] It is not clear from Mandoyan's Internal Affairs interview why he needed to go to a darkened bathroom and open a window to apologize to the victim when he could have apologized while he spoke with her through the sliding glass door.

As to both of these incidents, the hearing officer sustained the founded allegations due in large part to the video recordings that were presented.[104] He found the "**recordings to be the most persuasive evidence offered at the Hearing**."[105] In 2016, the Department's Case Review Panel also found the videos to be compelling as it cited the videos as one of the reasons it found Mandoyan had attempted to break into the victim's home.[106]

The Panel Memorandum provides no explanation as to what weight was given to the video evidence. The Panel simply found the allegations to be unresolved due to the conflicting explanations provided by both the victim and Mandoyan without commenting on the video evidence that the Case Review Panel and the hearing officer had found to be of critical importance in evaluating Mandoyan's credibility.

Allegations of False Statements

The following allegations of Mandoyan making false statements were originally **Founded** by the Department and sustained by the Civil Service Commission: (a) denying that he attempted to enter into the victim's residence by way of her sliding glass door; and/or (b) denying that he attempted to enter into the victim's residence through her bathroom window; and/or (c) stating that he used a tool/object/"pulley" handle only to knock on the door to gain her attention to retrieve his backpack and keys; and/or (d) stating that he opened the victim's bathroom window only to apologize to her.[107]

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[103] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 9-11; Exhibit 6, Redacted victim Internal Affairs interview produced pursuant to the Los Angeles Times' PRA request, pp. 28-29; Exhibit 31, Redacted Witness 1 Internal Affairs interview produced pursuant to the Los Angeles Times' PRA request, pp. 84-90; Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 181-188.

[104] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 7.

[105] Ibid.

[106] Exhibit 30, Redacted Case Review Disposition for File No. IV2383392, dated August 12, 2016, produced pursuant to the Los Angeles Times' PRA request, p. 5, 7.

[107] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 17; Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan, dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request, p. 4.

The Panel Memorandum states that the Panel found that "due to the conflicting explanations provided by both [the victim] and Mr. Mondoyan (sic), the above charges and any associated issues concerning false statements and dishonesty were determined to be **Unresolved**."[108]

Again, the Panel found the allegations to be unresolved because of the conflicting explanations provided by both the victim and Mandoyan. However, this allegation involves more than just a swearing contest between two witnesses. Mandoyan's statements can be compared to videos of the two incidents.

After viewing the videos, Mandoyan told Internal Affairs investigators that he used the metal object to make noises so that the victim would let him into the house to get his backpack and keys.[109] **Mandoyan denied trying to force entry to the victim's apartment**, stating "I was just trying to get her attention. I was just trying to get her attention by trying to make noise."[110] However, Mandoyan also acknowledged that he never asked to be let back in to retrieve his belongings in any of the videos from this incident.[111]

The Civil Service hearing officer and the 2016 Department's decision makers found that Mandoyan had made a series of false statements, not limited to the ones described above. The Panel Memorandum does not mention whether the Panel viewed the relevant videos. Although, the Panel found that Mandoyan's statements were summarily dismissed in favor of the victim's testimony, the 2016 Department's decision makers and the Civil Service hearing officer relied on the video evidence to conclude that Mandoyan was trying to enter the victim's apartment, and therefore, had lied when he denied it.

Moreover, the Panel Memorandum states that Mandoyan used a "metal tool/object/pulley to gain [the victim]'s attention and/or **to enter [the victim's residence]** for the purpose of retrieving his backpack and/or key . . ."[112] (Emphasis added). As such, the Panel found that Mandoyan was trying to "enter" the victim's apartment using a metal tool, thus establishing that Mandoyan had lied when he denied trying to enter the victim's apartment. The Panel's decision to change the disposition of this allegation from "Founded" to "Unresolved" seems to contradict its own findings.

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[108] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 2.

[109] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, pp. 21 and 74-75.

[110] Ibid, pp. 83-84, 98.

[111] Ibid, pp. 21 and 74-75.

[112] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 3, 5.

Allegations Related to Being Named as Domestic Violence/Stalking suspect

The following allegations related to Mandoyan being named as a Domestic Violence/Stalking suspect were originally **Founded** by the Department and sustained by the Civil Service Commission: (a) being named as a Domestic Violence/Stalking suspect in an El Segundo Police Department Crime Report (#15-1659); (b) having a domestic violence restraining order filed against him; and/or (c) failing to immediately notify his immediate supervisor and/or watch commander that he was served, and named in, a domestic violence restraining order.[113]

The Panel found these allegations to be **Unresolved**. The Panel Memorandum notes that on the date of service, Mandoyan was not acting as a law enforcement official and had turned in his firearms. The Panel found that Mandoyan's confusion as to who to report the service to, whether his attorney or the Department, was understandable since at that time he had already been relieved of his duty for 12 days.[114]

With respect to Mandoyan's alleged failure to notify his supervisor of the domestic violence restraining order, the Department could not prove that Mandoyan's prior attorney had not notified his supervisors of the restraining order.[115]

Allegations Related to Stalking

The following allegations related to Mandoyan stalking the victim were originally **Founded in part and Unfounded in part** by the Civil Service Commission: (a) using the victim's home surveillance camera system without her permission or knowledge to observe her activities while she was in her home; and/or (b) listening to the victim as she engaged in sexual intercourse with another man.[116]

The Panel found these allegations to be **Unfounded**. The Panel Memorandum stated that:

> In contrast to the hearing officer's and the Department's initial findings, the [P]anel found there was no evidence Mr. Mandoyan stalked [the victim] when she visited a local restaurant or that he

[113] Exhibit 16, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 25; Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan, dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request, p. 4.

[114] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 3.

[115] Exhibit 37, Redacted Civil Service Hearing Transcript, July 24, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 201-202.

[116] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 24-25.

> listened to [the victim] engage in a sexual relationship with another man. At the time of the incidents, Mr. Mandoyan and [the victim] resided in the same city, El Segundo. It is not without reason a happenstance encounter could occur when two people reside in such close proximity. Additionally, the hearing officer determined [the victim] consented to Mr. Mandoyan's access to her camera system which included audio capabilities. Based on the hearing officer's response to the video camera and both parties living in the same city, the [P]anel finds these violations to be "Unfounded."[117]

The Civil Service hearing officer found that Mandoyan did stalk the victim in the early morning hours of January 26, 2015. He found that Mandoyan called the victim **22 times in a row from 3:44 a.m. to 4:08 a.m.**, followed her home, and broke in through her bathroom window.[118] The hearing officer further found Mandoyan had listened in while she engaged in sexual intercourse with another man. The hearing officer made no mention in his report as to whether or not he found the evidence had proved that Mandoyan had followed the victim to an eating establishment.

The Panel did not evaluate or comment on the hearing officer's finding that the January 26, 2015 incident constituted stalking behavior.

Allegations Related to Sending Unwanted Text Messages

The following allegations related to Mandoyan being named as a Domestic Violence/Stalking suspect were **Founded** in part by the Department, but **Unfounded** in part by the Civil Service Commission: (a) generating and/or sending unwanted text messages to the victim; and/or (b) making unwanted phone calls to the victim.[119] The Panel found these allegations to be **Unfounded**.[120]

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[117] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 4.

[118] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 13-14.

[119] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 23-24; Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan, dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request.

[120] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 4.

The hearing officer wrote that he found strong circumstantial evidence that Mandoyan had sent the victim 40-50 "annoying and harassing anonymous text messages."[121] However, at the Civil Service Hearing, the Department conceded that it could not sufficiently link the text messages to Mandoyan; therefore, the hearing officer made no official ruling on whether those actions were founded or unfounded.[122]As to the unwanted telephone calls, the Department had found that Mandoyan had made unwanted phone calls to the victim. The hearing officer, however, found that the victim and Mandoyan were in a "dysfunctional" relationship, and the Department did not meet its burden to prove that the phone calls to the victim were unwanted.[123]

As such, the Panel's disposition as to this allegation appears to be consistent with the hearing officer's conclusion.

New Allegations Founded By the Panel

The Panel Memorandum reflects the addition of the following new allegation, which was deemed to be Founded, and resulted in the imposition of 12 days of discipline and reinstatement of Mandoyan to full duty:

> That in violation of Department's Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others, on or about or between March 2013 and July 2015, while off duty, Subject Caren Mandoyan, who was involved in a personal/intimate relationship with [the victim], exercised poor judgment and decision making skills, when he failed to treat her in a respectful, courteous and civil manner, as evidenced by, but not limited to the following:
>
> a. entering the balcony/patio area of [the victim]'s residence without permission and repeatedly knocked on her sliding glass door, after she told him to leave; and/or,
>
> b. using and/or <u>admitting to using a metal tool/object/"pulley" to gain [the victim]'s attention and/or to enter [the victim]'s</u>

[121] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 23.

[122] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, pp. 23-24; Exhibit 14, Redacted Letter of Imposition of Discharge of Caren Mandoyan, dated September 15, 2016, produced pursuant to the Los Angeles Times' PRA request, p. 3.

[123] Exhibit 16, Redacted Civil Service Hearing Officer Report dated January 4, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 24.

residence for the purpose of retrieving his backpack and/or key; and/or,

c. opening the bathroom window of [the victim]'s residence from the outside and without permission for the purpose of apologizing, after she repeatedly told him to leave.[124]

(Emphasis added).

The underlined founded allegation is perplexing as it finds that Mandoyan had used a tool to gain entry into the victim's residence – the predicate fact necessary to establish the false statement allegation discussed above. Mandoyan did not admit to using the tool to enter the victim's residence.[125] As such, the disposition of this allegation appears to be in conflict with the findings in the Panel Memorandum.

Based on statements by the Department and the records and files in this case, in 25 days the Panel overturned decisions made after a year-long administrative process, involving hundreds of pages of interviews, documents, and other exhibits, and that had been affirmed through a five-day, heavily-contested, Civil Service Hearing. Moreover, the findings set forth in the Panel Memorandum are silent as to key pieces of evidence including videos and corroborating witness statements – see **Exhibit 2** for summary of evidence.

VII. Transcript of Mobile Telephone Call

The Department has argued in court filings that Mandoyan was "re-hired" rather than "reinstated." The Department has further argued that the County has cited no authority prohibiting Sheriff Villanueva from re-hiring a former deputy who was discharged by a prior Sheriff.[126]

Assuming that Mandoyan was "re-hired," then the Department can and should assess the totality of available evidence to determine Mandoyan's fitness for re-hire and duty. This includes information that was collected during prior investigations.

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[124] Exhibit 26, *Truth and Reconciliation Panel Review of IAB IV#2383392, Deputy Caren Mondoyan (sic) Matter*, dated December 27, 2018, p. 5.

[125] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, pp. 83-84, 98.

[126] Exhibit 28, *"Respondents/Defendants Sheriff Alex Villanueva and Los Angeles County Sheriff Department's Opposition to County of Los Angeles' Application for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction,"* filed in the County of Los Angeles Superior Court Case No. 19STCP00630 on March 12, 2019.

For example, the administrative investigation file reviewed by OIG staff included a transcript of a partial telephone conversation between the victim and Mandoyan.[127] The substance of the conversation is very disturbing and corroborates many of the victim's allegations against Mandoyan. The victim has repeatedly stated that Mandoyan did not want her to go to briefings as one of the various ways Mandoyan exerted control over her life. The telephone transcript shows that Mandoyan told the victim not to go to station briefings.[128] This is significant because Mandoyan unequivocally stated in his Internal Affairs interview that he never told the victim not to attend briefings. The telephone transcript shows that Mandoyan lied to Internal Affairs on this issue.[129]

In another portion of the telephone transcript, Mandoyan makes statements such as "[i]t's gonna be real funny when you fuckin' see just how much influence I have."[130] The victim accused him of being a "Reaper."[131] She understood that to mean that he had friends that were also Reapers, who held higher positions and who had influence within the Department.[132] Mandoyan admitted he had a Reaper tattoo, but stated that it was a station tattoo and it did not mean anything.[133] Mandoyan's statements in this telephone call corroborate the victim's assertions that he threatened to use his influence in the Department as a tool of fear against her.

Mandoyan calls the victim a "cunt," accuses her of flirting with a fellow deputy, and seems agitated that the victim chose to speak to her cousin.[134] Here again, Mandoyan stated to

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[127] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, produced pursuant to the Los Angeles Times' PRA request. In Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request, p. 142, lines 16-25, the victim states she made the audio recording on or around December 11, 2013.

[128] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, pp. 3 and 7, produced pursuant to the Los Angeles Times' PRA request.

[129] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, pp. 7, and 90-91.

[130] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, produced pursuant to the Los Angeles Times' PRA request, pp. 2, and 3-6.

[131] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, produced pursuant to the Los Angeles Times's PRA request, p. 4; see also, *Deputy reinstated by Sheriff Villanueva admitted to having tattoo linked to secret society*, Maya Lau, Matt Stiles, Los Angeles Times, Home Edition, March 29, 2019, Part A; Pg. 1. https://www.latimes.com/local/lanow/la-me-sheriff-mandoyan-tattoo-20190328-story.html.

[132] Exhibit 39, Redacted Civil Service Hearing Transcript, July 26, 2017, produced pursuant to the Los Angeles Times' PRA request p. 79, lines 8-19.

[133] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, pp. 92-93.

[134] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, produced pursuant to the Los Angeles Times' PRA request, pp. 1, 3 and 5.

Internal Affairs that he never told the victim not to speak with her cousin.[135] These statements corroborate allegations that Mandoyan was jealous and wanted to control the victim's interactions with others.

The telephone transcript was not considered during the administrative investigation or the Civil Service Hearing because of admissibility issues.[136] However, those admissibility issues would likely not preclude the Department from considering the telephone transcript when deciding whether to re-hire a deputy. It is undisputed that the Department was aware of this recording and had questioned Mandoyan on its contents during his interview with Internal Affairs.

It should also be noted that a lightly redacted transcript of this telephone conversation was publicly released by the Los Angeles Times pursuant to a Public Records Act request to the Civil Service Commission.[137]

Again, assuming that Mandoyan was "re-hired," the Department was in possession of now publicly available evidence that conclusively established Mandoyan's dishonesty and unfitness for the position of Deputy Sheriff.

VIII. Conclusion

This Office is aware of no case where a deputy was reinstated under similar circumstances. The Department's efforts to reinstate Mandoyan appear to have begun before his case was evaluated by the Truth and Reconciliation Panel, and the process as implemented in the Mandoyan case was accomplished in a sharply compressed timeline given the size and complexity of the record and the length of the original administrative investigation and review. The available information regarding the Truth and Reconciliation process, primarily in the form of the Panel Memorandum, strongly suggests that key pieces of evidence regarding Mandoyan's actions may not have been considered by the Sheriff and his Panel designees. The Settlement Agreement executed to bring Mandoyan back to work lacks a signature from County

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[135] Exhibit 3, Redacted Caren Mandoyan's Internal Affairs interview, produced pursuant to the Los Angeles Times' PRA request, p. 7.

[136] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, produced pursuant to the Los Angeles Times' PRA request. This recorded conversation was in the possession of the Department and initially made part of the administrative investigation pending a review by County lawyers. County Counsel subsequently determined that any information related to this recording should not be included in the investigation because it was made without Mandoyan's knowledge or consent. California generally prohibits the recording of a conversation by one party without the knowledge of the other party, but permits domestic violence victims to do so to collect evidence for criminal prosecution. The recording and all questions related to the recording in Mandoyan's Internal Affairs interview were subsequently redacted.

[137] Exhibit 4, Redacted transcript of December 11, 2013 telephone conversation, produced pursuant to the Los Angeles Times' PRA request.

Counsel. Lastly, the telephone transcript discussed above clearly establishes Mandoyan's unfitness for re-hire as a Deputy Sheriff.

The Department declined to provide some requested information to the OIG during this inquiry, ultimately attributing the refusal to pending litigation between the Board and the Department. As a result, many questions of how and why the Mandoyan case was selected for re-evaluation remain unanswered.[138] However, our review of the same documents and files purportedly reviewed by the Department in its re-evaluation of Mandoyan's discharge revealed substantial evidence in support of the conclusions reached by both the Case Review Panel and the Civil Service Commission in discharging Mandoyan.

Despite the OIG's specific request to be provided advance notice of the Truth and Reconciliation Panel's meetings in order to monitor the process and report on it, the Department proceeded with the reinstatement of Mandoyan without affording the OIG an opportunity to review the process. The OIG has since reviewed all available documentation in drafting this report; however, without full cooperation from the Department, the OIG is unable to answer the fundamental question of how and why the Department elected to reinstate, or as the Department now argues, re-hire Mandoyan.

[138] For a list of some of the questions that remain unanswered about the Truth and Reconciliation process please refer to the OIG's Letter requesting information regarding the process used to re-evaluate the Mandoyan case, dated March 5, 2019, that was sent to the Department at Exhibit 41.