



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF DISMISSAL P.I. #13-141

Michael Anderson
[Redacted]

You are hereby notified that the Orange County Sheriff-Coroner Department ("Department") has decided to dismiss you from your employment as an Orange County Sheriff's Lieutenant, effective immediately.

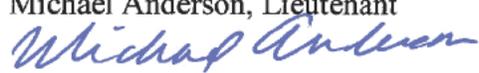
On Friday, May 9, 2014, Assistant Sheriff Donald Barnes met with you and your representative, Chuck Goldwasser. After reviewing the materials and considering the information presented, Assistant Sheriff Barnes decided to uphold the proposed action to dismiss you from your employment.

This action to terminate your employment is based on sustained allegations that (1) you illegally trespassed on the property of Ms. [Redacted] by entering her residence without her consent or permission; (2) you have been prohibited by a Criminal and Civil Protective Order from carrying a firearm; (3) you misused information that you obtained from the Department's In-Time data base in violation of department policy; (4) you gave untruthful statements in your interviews regarding barbeque utensils and where you parked your vehicle at Ms. [Redacted] residence; (5) you gave inconsistent statements regarding whether you ever went into Ms. [Redacted] bedroom; and (6) you brought discredit upon yourself and the Department.

You have the right to appeal this discharge directly to arbitration within ten (10) calendar days from the date the decision was rendered, pursuant to Article XV, Section 8B, of the Personnel and Salary Resolution, 2003.


Wayne Byerley, Captain
Professional Standards Division

5.22.14
Date


Michael Anderson, Lieutenant


5.22.14 / 1300 HRS
Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

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SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF INTENT TO DISMISS PI #13-141

Michael Anderson
[REDACTED]

In accordance with Article XIV of the County of Orange 2003 Personnel and Salary Resolution and Orange County Sheriff-Coroner Department Policy Manual Section 340.2(a), you are hereby notified that the Orange County Sheriff-Coroner Department intends to dismiss you from County employment as a Lieutenant.

This proposed discharge is based on the Department's determination that (1) you illegally trespassed on the property of [REDACTED] by entering her residence without her consent; (2) you have been prohibited by a Criminal Protective Order from carrying a firearm; (3) you misused information that you obtained from the Department's In-Time data base in violation of department policy; (4) you gave untruthful and inconsistent statements in your investigative interviews; and (5) you brought discredit upon yourself and the Department. Your misconduct violated all of the following Department policies:

1. 1018.6 OBEDIENCE TO LAWS AND REGULATIONS:

(a) Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the department and all orders of the department or commands thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule/regulation, procedure or policy in question.

2. 1018.1 STANDARD OF CONDUCT:

(a) Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the department.

3. 1001.2 CANONS OF ETHICS:

Standard 1.1 – *Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived there from.*

Standard 1.6 – *Peace officers shall respect and uphold the dignity, human rights and Constitutional rights of all persons.*

Standard 4.4 – *Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.*

Standard 4.8 – *Peace officers shall not engage in any activity that would create a conflict of interest or would be in violation of law.*

Standard 4.9 - *Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.*

Standard 6.3 - *Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.*

4. 1018.27 UNTRUTHFULNESS:

No member shall knowingly make false statements or misrepresentations to other members or superiors.

EMPLOYMENT HISTORY

You began your employment with the County of Orange on July 14, 2000 as a Deputy Sheriff assigned to the Central Jail Complex-IRC. In May of 2005, and until August of 2007, you were assigned as an Investigator to the Special Investigation Bureau at the Regional Narcotic Suppression Program (RNSP). In August of 2007, you were promoted to the rank of Sergeant and assigned to the Central Jail Complex-IRC. From July 2010 through June 2012, you were assigned to the Criminal Investigation Bureau and worked in the Family Protection Detail. On June 2012, you were promoted to your current rank of Lieutenant and assigned to the James A. Musick Jail Facility where, as a Watch Commander, you have been responsible for overseeing the jail facility's daily operations.

Throughout your employment with the Orange County Sheriff's Department, you have received training on various Department policies and procedures including the Department's policy on professional/ethical conduct and law enforcement data base access. According to Lexipol, the

Department's web-based policy provider, you last logged on and acknowledged receipt of the Department's Policy Manual on April 26, 2013.

BASIS FOR INVESTIGATION

On Wednesday, November 20, 2013, at 0900 hours, Ms. [REDACTED] a Deputy Sheriff with the Department, arrived at her residence located at [REDACTED] in the City of [REDACTED] and found you, her former boyfriend, illegally trespassing inside her home which you had entered unannounced and without permission. Immediately following this incident, Ms. [REDACTED] contacted the Department. That same day, Orange County Sheriff's Department Homicide investigators responded to Ms. [REDACTED] residence and began conducting a criminal investigation.

CRIMINAL INVESTIGATION

Summary of Deputy [REDACTED] Interview:

On Wednesday, November 20, 2013 at approximately 1230 hours, Sergeant Spencer, Investigator Mauga and Investigator Kajfasz interviewed Ms. [REDACTED] at her residence. The following pertinent information was obtained during the interview. **(Attachment #5, CD Attachment – I/C Interviews Disk #1)**

1. Your four year relationship with Ms. [REDACTED] ended when she broke-up with you in late August 2013. Despite her specific request that you no longer contact her, Ms. [REDACTED] reported that you have continued to call and text her.
2. On two prior occasions you appeared unannounced and uninvited to her home.
 - A. September 3, 2013: On this date you visited Ms. [REDACTED] residence to tell her you loved her. Ms. [REDACTED] specifically told you not to come by her residence again and closed the door. Shortly thereafter, Ms. [REDACTED] sent you a text message reinforcing her earlier statements that you were not to come by her residence. **(Attachment #5, Tab #7)**
 - B. September 6, 2013: Ms. [REDACTED] was walking her dog along the front of her residence when you unexpectedly drove up, exited your vehicle and attempted to engage her in a conversation. You told Ms. [REDACTED] that you happened to be in the area and wanted to stop by and say "hi." Ms. [REDACTED] asked you what you were doing and you told her you were making sure she was safe. Ms. [REDACTED] reiterated her prior demand and told you not to come by her residence. **(Attachment #5, Tab #7)**
3. Ms. [REDACTED] provided various text messages received from you between September 3, 2013 and September 6, 2013. The text messages were sent to Ms. [REDACTED] cell phone from your personal cell phone number [REDACTED] **(Attachment #5, Tab #7)**

4. On September 10, 2013, Ms. [REDACTED] contacted Lieutenant Bradley NewMyer and requested that he informally speak to you and to advise you to stop contacting her. Lieutenant NewMyer contacted you by phone and relayed Ms. [REDACTED] request.
5. On Wednesday, November 20, 2013, Ms. [REDACTED] left her residence at approximately 0730 hours. At approximately 0900 hours Ms. [REDACTED] returned home to get ready for work. Upon entering her home, Ms. [REDACTED] was startled to find you coming out of her master bedroom. You stood on the landing at the top of the stairs and told her you needed to talk to her. Ms. [REDACTED] demanded that you get out of her house. You told Ms. [REDACTED] that you just needed to talk to her, but she pointed to the front door and demanded you get out of her house. Ms. [REDACTED] repeated several times for you to get out of her house and made it very clear to you that she did not want you coming to her house or contacting her. You eventually complied and left her residence.
6. Ms. [REDACTED] informed the investigators that you never lived at her residence, never received mail there, and did not leave any of your personal belongings when the relationship ended. Ms. [REDACTED] believed that, when her relationship with you ended, you had returned the only copy of her house key in your possession.
7. Ms. [REDACTED] requested an Emergency Protective Order against you; however it was not granted at that time.

Summary of Lieutenant NewMyer Interview:

On Wednesday, November 20, 2013, at approximately 1430 hours, Investigator Mauga interviewed Lieutenant NewMyer at the Mission Viejo City Hall. The following pertinent information was obtained during the interview. (**Attachment #5, CD Attachment – I/C Interviews Disk #2**)

1. Lieutenant NewMyer is the Department's designated Chief of Police Services for the City of Mission Viejo. Ms. [REDACTED] works under Lieutenant NewMyer' supervision as a School Resource Officer.
2. On September 10, 2013, Ms. [REDACTED] met with Lieutenant NewMyer to discuss her recent break-up with you. Ms. [REDACTED] specifically told Lieutenant NewMyer that you had been incessantly calling her, texting her, and driving past her home. Ms. [REDACTED] explained that she recently confronted you when you drove by her home and told you to stop. Ms. [REDACTED] asked Lieutenant NewMyer to handle the situation informally and advise you to stop contacting her.
3. Lieutenant NewMyer agreed to help Ms. [REDACTED] and contacted you that same day, at approximately 1517 hours. Lieutenant NewMyer spoke directly to you and relayed Ms. [REDACTED] message and told you to cease all communication with her. You agreed to stop contacting Ms. [REDACTED]

Summary of Lieutenant Michael Anderson Interview:

On Wednesday, November 20, 2013, at approximately 1400 hours, you were interviewed by Sergeant Spencer and Investigator Kajfasz, in the conference room at the Sheriff's Aliso Viejo Substation. You chose not to have an attorney present during the interview. The following pertinent information was discovered during your interview: **(Attachment #5, CD Attachment – I/C Interviews Disk #3)**

1. You stated your relationship ended with Ms. [REDACTED] in July or August 2013. When asked if you had any contact with Ms. [REDACTED] since the relationship ended you said, *"She didn't want any contact. She didn't want me to phone her, call her, text her or any contact at all."* You were asked if that included going to her residence and you said, *"Yes."*
2. You stated that you recalled your phone conversation with Lieutenant NewMyer in September 2013 and during that conversation, Lieutenant NewMyer requested that you cease all future contact with Ms. [REDACTED]. Regarding your conversation with Lieutenant NewMyer you said, *"He basically told me not to contact her."*
3. You were asked if you had gone by Ms. [REDACTED] residence since speaking with Lieutenant NewMyer and you replied, *"I've driven by there to go to Oggi's Restaurant to pick-up pizza on my way home from work."*
4. You stated that, on the morning of November 20, 2013, you went to Home Depot to buy some parts for a toilet. In your interview, you said that, on your way to Home Depot, you decided to go by Ms. [REDACTED] residence to pick up some barbeque utensils you had left there during the course of your relationship.
5. You admitted you knew Ms. [REDACTED] work schedule, but denied knowing if she would be home that morning. You arrived at her residence and rang the doorbell. During your interview, you stated that, if Ms. [REDACTED] had been home, you were going to ask for your barbeque utensils.
6. Ms. [REDACTED] never came to the door, but you heard her dog barking. You stated you missed the dog and used a spare key, retained in your truck, to gain access to her residence.
7. You acknowledged that Ms. [REDACTED] requested you return her house key when the relationship ended. You said you returned her house key, but said that you had another key that you had made during the relationship that you had forgotten about. You found this spare key in the center console of your truck, after the relationship ended.
8. You stated that you used this spare key to enter Ms. [REDACTED] residence. While inside you decided to go upstairs into her bedroom to pet the dog instead of retrieving your barbeque utensils. You explained her dog was barking and you wanted to pet him instead of going to the kitchen where you thought the barbeque utensils were located.

9. You were surprised when Ms. [REDACTED] came home and found you in her bedroom. You admitted Ms. [REDACTED] became upset over the fact that you were in her home. You said you didn't have a chance to speak with her because she didn't give you a chance to explain yourself. She then asked you to leave, and you said that you complied.
10. You admitted you never lived at Ms. [REDACTED] residence. When you were asked if you were aware that you had no legal right to be in Ms. [REDACTED] residence you said, "*I do realize that.*"
11. You gave Investigator Kajfasz the spare key you used to enter Ms. [REDACTED] residence.

Later that same day (Wednesday, November 20, 2013), you were placed on paid administrative leave at the direction of Commander Nighswonger. (**Attachment #2**)

CRIMINAL CHARGES

On January 17, 2014, you were formally charged by the Orange County District Attorney's Office with one (1) misdemeanor count of CPC 602.5(b) -- Aggravated Trespass. This criminal case is currently pending in the Orange County Superior Court, *People v. Michael Anderson*, case no. [REDACTED]

TEMPORARY RESTRAINING ORDER

On December 6, 2013, Ms. [REDACTED] obtained a Restraining Order against you. The order, which is effective through December 6, 2018, lists Ms. [REDACTED] and her [REDACTED] as protected parties and you as the restrained person. The order indicates that you were present during the hearing and agreed to the provisions of the order. The order states that you are not to have any contact with Ms. [REDACTED]. You are also ordered not go within 100 yards of Ms. [REDACTED]. The order also prevents you from purchasing or receiving firearms and ordered you to surrender all firearms in your possession.

CRIMINAL PROTECTIVE ORDER

On February 10, 2014, you were served with a Criminal Protective Order. The order, which is effective through February 10, 2017, lists [REDACTED] as the protected person. The order states that you are not to have any contact with Ms. [REDACTED]. You are also ordered not to go within 100 yards of Ms. [REDACTED]. The order also prevents you from purchasing or receiving firearms and orders you to surrender all firearms in your possession.

INTERNAL AFFAIRS INVESTIGATION

On Thursday, November 21, 2013, at the direction of Commander S. Kea, Internal Affairs initiated a separate, administrative personnel investigation for the purpose of determining whether your conduct violated Department policy.

Interview of Deputy [REDACTED] (Attachment #11, CD Attachment – I/A Interviews Disk 1)

On January 27, 2014, Ms. [REDACTED] was interviewed by Sergeant Tracy Harris and Sergeant Nathan Wilson, in the Internal Affairs conference room. Ms. [REDACTED] statements were consistent with her previous statements provided during the criminal investigation. The following is additional information obtained during the Internal Affairs interview conducted by Sergeant Harris and Sergeant Wilson:

1. Ms. [REDACTED] stated she met you in 2009 when she was working at the Intake Release Center, as a deputy sheriff. At the time, you were the Watch Commander at the Intake Release Center. She said that you and she began dating soon after your initial meeting.
2. Ms. [REDACTED] stated that, during your relationship, you both maintained separate residences; however, both of you would stay at each other homes on occasion.
3. Ms. [REDACTED] stated during the relationship she bought a barbeque for her home. She explained she used kitchen utensils while barbequing and that you never purchased or brought over any specific barbeque utensils to her residence.
4. Ms. [REDACTED] stated that at some point during your relationship she gave you a spare key and garage door opener to her home. After the relationship ended, you returned the garage door opener and what she believed was the only spare key you possessed.
5. Ms. [REDACTED] stated you never told her why you were inside her house on November 20, 2013. Ms. [REDACTED] said that you never mentioned anything about barbeque utensils to her.
6. When you exited Ms. [REDACTED] residence on November 20, 2013 she immediately ran upstairs and looked out her window to see where you had parked. She was upset with herself for not seeing your vehicle when she arrived home. She looked out her window and reported that she was not able to see you or your vehicle, in front of her residence, where you typically parked. Ms. [REDACTED] believes that you purposefully parked your vehicle elsewhere and out of sight.
7. Ms. [REDACTED] stated she never invited or gave you permission to enter her home on November 20, 2013. She explained that she was unaware of how you entered her house until she was later notified you had a spare key in your possession.
8. Ms. [REDACTED] stated she thinks you used the Orange County Sheriff Department's scheduling program In-Time data base to check her work schedule to see if she was at work or off-duty. [Note: The Orange County Sheriff Department's scheduling program, In-Time, is a data base used to create, maintain, and track employee's hours and schedules. Each division within the Sheriff's Department maintains/views their own data base within the In-Time program.] **Attachment #6**

Interview of Lieutenant Michael Anderson: (Attachment #11, CD Attachment – I/A Interviews Disk 1)

On February 6, 2014, at approximately 0930 hours, you were interviewed by Sergeant Tracy Harris and Sergeant Tracy Morris in the Internal Affairs' conference room. You elected to not have a representative present during your interview. The following pertinent information was obtained during your interview with Sergeant Harris and Sergeant Morris:

1. You stated you met Ms. [REDACTED] at the Olde Ship Restaurant in March 2009 when you were both assigned to the Intake Release Center. Shortly after, you entered into a four-year relationship with her that ended in late July or early August 2013.
2. You stated during the relationship you both maintained separate residences, but always stayed at each other's homes. You explained that you kept clothing, electronics, tools and personal hygiene items at Ms. [REDACTED] residence.
3. You stated Ms. [REDACTED] bought a barbeque for her residence and you brought over your barbeque utensils for her to use. You explained you didn't have a barbeque at your house and to this date you still do not have a barbeque at your house.
4. You stated Ms. [REDACTED] gave you a spare key to her home. During the relationship, you explained that you made several spare keys for her to give to her mom. When the relationship ended, you gave her back your spare key.
5. You stated you always parked your vehicle on the street, in front of Ms. [REDACTED] residence when you were at her house.
6. You stated you would check the Orange County Sheriff Department's In-Time to look at Ms. [REDACTED] work schedule. You explained you did this so you would not run into her and [REDACTED] at the Irvine Spectrum.
7. You admitted to calling, texting and going by Ms. [REDACTED] residence after the relationship ended. You admitted that she told you she did not want to have any contact with you anymore.
8. You admitted you drove by Ms. [REDACTED] residence, stopped and contacted her when she was out front walking her dog.
9. You stated that, on September 10, 2013, you received a phone call from Lieutenant NewMyer and you acknowledged that he told you not to contact Ms. [REDACTED] anymore. You stated you then stopped all contact with her.
10. You said that, after the relationship with Ms. [REDACTED] came to an end, you found a spare key to her residence in your center console. You stated that you put the spare key on your key chain and forgot about it.

11. You said that, on November 20, 2013, at approximately 0900 hours, you left your residence to go to Home Depot to look at toilets and barbeques. You said that, while you were driving to Home Depot; you remembered you had barbeque utensils at Ms. [REDACTED] residence. You stated you decided to go to her residence to see if she was home so you could retrieve your barbeque utensils.
12. You stated you arrived at Ms. [REDACTED] residence on November 20, 2013 and parked your vehicle on the street, in front of her house. You went up to the front door and knocked and rang the doorbell. You explained nobody answered the door, but you could hear her dog barking from inside the residence. You claimed that since you haven't seen her dog in a while you used the spare key on your key chain to enter her residence. When you entered her residence the dog was at the top of the stairs. You went up the stairs and petted the dog for several minutes. Ms. [REDACTED] then entered her home and found you standing at the top of the stairs. You claimed you never entered her bedroom.
13. You stated Ms. [REDACTED] immediately started yelling at you to leave her house. You stated you didn't have a chance to explain yourself to her.
14. You acknowledged that you knew Ms. [REDACTED] was scheduled to work that day, but you thought she might be home because she sometimes adjusts her schedule.
15. You admitted to not having Ms. [REDACTED] permission to enter her residence on November 20, 2013. When asked if you ever thought it was a bad idea to go to Ms. [REDACTED] residence after she told you to stay away you said, *"I would like to say yes, but I did what I did."*
16. You confirmed that Ms. [REDACTED] has an active restraining order against you. You specifically stated that the order is for you not to have contact with Ms. [REDACTED]. You are also restricted from carrying or possessing any firearms.

FINDINGS AND DETERMINATIONS

Based on the evidence recovered, your statements, witness statements and information obtained during your criminal and internal affairs interviews, the Department makes the following findings and determinations.

VIOLATION OF OCSD POLICY 1018.1(a) STANDARD OF CONDUCT:

1. You admitted that you entered Ms. [REDACTED] residence, on your own volition, without her permission and without her knowledge. You also admitted that you entered her home using a spare key that she was unaware you possessed. You claimed to have found this spare key after your relationship with Ms. [REDACTED] ended; however, you did not destroy it, give it back, or inform Ms. [REDACTED] of the key. These actions violated the standard of personal and professional conduct expected of a Lieutenant.

2. Your personal use of the Department's scheduling program In-Time to conduct inquiries into Ms. [REDACTED] work schedule was unprofessional and a violation of department policy and procedures. You have discredited your position as a Lieutenant by betraying the trust of the Department in accessing information intended for legitimate law enforcement use not the furtherance of a personal relationship.
3. Despite repeated efforts by Ms. [REDACTED] and notwithstanding Lieutenant NewMyer's specific request that you cease and desist from further contact with Ms. [REDACTED], you continued to visit her residence unannounced, call her, and send her text messages. These actions fall below the standard of conduct expected by the Department.

VIOLATION OF OCSD POLICY 1018.6(a) OBEDIENCE TO LAWS AND REGULATIONS:

1. You utilized the Department's scheduling program In-Time data base to make inappropriate inquiries into Ms. [REDACTED] work schedule. These inquiries were made in a personal capacity and therefore in violation of Department Policy.
2. You entered Ms. [REDACTED] residence without her permission, knowledge or request. This was a violation of law (CPC 602.5- Trespassing).

VIOLATION OF OCSD POLICY 1001.2 CANNON OF ETHICS, STANDARDS 1.1 & 1.6:

1. You admitted to entering Ms. [REDACTED] residence without her permission, request or knowledge in violation of the law (CPC 602.5 - Trespassing). You violated Ms. [REDACTED] Constitutional rights by entering her home without her permission, request or knowledge.

VIOLATION OF OCSD POLICY 1001.2 CANNON OF ETHICS, STANDARDS 4.4, 4.8 & 4.9:

1. You admitted to entering Ms. [REDACTED] residence without her permission, request or knowledge in violation of law (CPC 602.5 - Trespassing). Your actions violated the standard of personal and professional conduct expected of not only a Lieutenant, but any officer employed by the Orange County Sheriff's Department. Your activity and involvement in this incident involved moral turpitude and created a conflict of interest.

VIOLATION OF OCSD POLICY 1001.2 CANNON OF ETHICS, STANDARD 6.3:

1. By entering Ms. [REDACTED] residence in violation of the law, you failed to set exemplary standards of performance for all law enforcement personnel.

VIOLATION OF OCSD POLICY 1018.27 UNTRUTHFULNESS:

1. You stated you went to Ms. [REDACTED] residence on November 20, 2013 to retrieve your barbeque utensils and that you parked your vehicle in front of her house. During your criminal interview with Investigator Kajfasz you stated you went into Ms. [REDACTED] bedroom to pet her dog. During your Internal Affairs interview you stated you never went into Ms. [REDACTED] bedroom. Ms. [REDACTED] stated you never had barbeque utensils at her house during or after the relationship ended. She also stated you did not park your vehicle in front of her house on November 20, 2013. Ms. [REDACTED] confirmed she saw you exiting her bedroom when she came home on November 20, 2013. Based on the criminal and internal investigation, your statements and witness statements it appears you knowingly made false statements, inconsistent statements or misrepresentations during the investigation.

CONCLUSION

After consideration of all available information, the Department concludes that your conduct and behavior violated the aforementioned Department policies and law. You knowingly entered Ms. [REDACTED] residence without her permission or knowledge utilizing a spare key she was unaware you had in your possession. Your actions and severe lack of judgment led to the filing of criminal charges against you (CPC 602.5 – Trespassing), as well as, receiving a Criminal Protective Order [REDACTED] which prevents you from having any contact with Ms. [REDACTED] directly, indirectly or through a third party; except an attorney. You have also been ordered to relinquish firearms in your possession and you are prohibited from purchasing or receiving firearms. Your inability to carry a firearm precludes you from performing the essential functions of your job as a peace officer. You also used the Department's scheduling program, In-Time, in violation of Department policies and procedures to conduct inquiries into Ms. [REDACTED] work schedule for personal reasons. You continued to contact Ms. [REDACTED] after she repeatedly told you to cease all contact with her. Your statements during your interviews were inconsistent and untruthful.

Your conduct falls far below the standards set forth by the Orange County Sheriff's Department and has discredited your standing within the Department in your capacity as a Lieutenant. As a Lieutenant with this Department you are held to a higher standard and expectation to uphold and follow the rules and laws peace officers are tasked to enforce. Based on your actions, the Department has determined that you are unable to work in a public safety setting where integrity, honesty, and an expectation to abide by all laws and policies are essential. As such, you no longer meet the qualifications to continue being employed as a sworn peace officer with the Orange County Sheriff's Department. In addition to this Notice of Pending Dismissal, you are hereby provided with copies of the following documents that substantiate this decision to dismiss you:

Attachments:

1. Initial Action
2. Notice of Administration Leave
3. Memo from Capt. Krueger to Asst. Sheriff Trujillo
4. Memo from Lt. NewMyer to Lt. Meyer
5. Internal Criminal Investigation (OCSD Homicide) Case Agent Investigator Kajfasz DR#13-226960
6. Memo from Robin Scruggs to Buffy O'Neil
7. Restraining Orders
8. Property Report by Sergeant Thompson DR #13-226960
9. District Attorney Letter
10. OCSD ELETE.NET [Vision]
11. Internal Affairs Interviews (CD)
12. OCSD Policy and Procedures
13. MOU for Administrative Management Unit
14. Personnel Investigation Summary

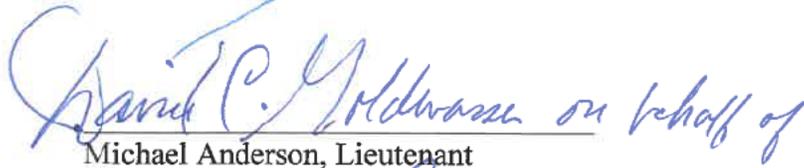
You are entitled to pre-deprivation, pre-disciplinary due process review (Skelly Meeting) before discipline is imposed. You may respond in writing to Under Sheriff Mark Billings within ten (10) calendar days of receipt of this notice, or you may request a meeting. If you choose a meeting, you must notify Internal Affairs Sergeants Nate Wilson or Jarrett Kurimay within ten (10) calendar days of receipt of this notice. A meeting will be arranged for a later date.

If you do not provide a written response or request a meeting by 1700 hours on the tenth calendar day following your receipt of this notice, the Department will take the position that you have waived your right to be heard. If you do so respond, consideration will be given to your response prior to taking any proposed action. You are entitled to represent yourself or may be represented by a representative of your choice pursuant to the Personnel and Salary Resolution with the County of Orange in any pre-disciplinary meeting you may request.

If this proposed action becomes final, you have the right to appeal, pursuant to Article XIV, of the Personnel and Salary Resolution, 2003 and Orange County Sheriff-Coroner Department Policy Manual Section 340.2(a).


 Steve Kea, Assistant Sheriff


 Date


 Michael Anderson, Lieutenant



 Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF ADMINISTRATIVE LEAVE

You are hereby notified that, in accordance with Article I, Section 7A of the Personnel and Salary Resolution, you are on administrative leave with pay, effective immediately.

You are ordered to be on call and remain at your residence, or other designated area, Monday through Friday, between 0800 and 1600 hours, except for county holidays. Please contact Internal Affairs at (714) 834-5548, if you will be away from your residence during that time period.

Consent to leave must be authorized by the Professional Standards Division Captain, Lieutenant or their designee.

Use of sick pay, compensatory pay, vacation pay, etc., during the hours of administrative leave, continue to fall under the provisions provided in the memorandum of understanding for your employee group.

MICHAEL CURTIS ANDERSON

Employee Name (print)

[REDACTED]
Residence / Designated Area Address

[REDACTED]
Telephone Number(s)

MUSICK FACILITY

Employee's Assigned Division

[Signature]
Employee Signature

11-20-13

Date

LT. W. W. #1026

Assistant Sheriff or Designee

11-20-13

Date

ON BEHALF OF COMMANDER D. NIGHSWONGER



ANDERSON, MICHAEL (5791)

Rank: LIEUTENANT

Bureau: Musick (sworn)

Division: MUSICK FACILITY

Hire Date: 7/14/2000

Approved Date: 6/3/2010 2:03:56 PM [Print Detail](#)

[Print](#)

- LAST
- COMM
- COMP
- TC
- WC
- JA
- RMB
- UOF

Pershables/Mandatory

Status

Cat

Date

RefNo

Description

TC Total: 1

Cat	Date	RefNo	Description

Pershables/Mandatory	Status

Disputed History

Thresholds

Disp. D: T

Date T

Type T

Disp. D:	Date	Type

[Report Missing Items](#)



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION NOTICE OF DISMISSAL

Confidential

To: Assistant Sheriff Steve Kea

From: Sergeant Jarrett Kurimay

Date: May 23, 2014

Please be advised that Lieutenant Michael Anderson [REDACTED] has been dismissed from employment with the Orange County Sheriff's Department. The dismissal is effective Friday, May 23, 2014 at 1300 hours.

cc: Commander Toni Bland
Captain Mike Krueger
Captain Wayne Byerley
Lieutenant Mitch Wang
Human Resources – Robin Scruggs
County Counsel – Mark Howe
Human Resources Services – Robert O'Brien
Human Resources Services – Lisa Bauer
Human Resources Services – Sally Romero
Sheriff's Payroll – Doris De La Cruz
PSD – Sophia Maciel, Transaction Team
PSD – Christina Chavez, Position Control



Human Resource Services
Memorandum

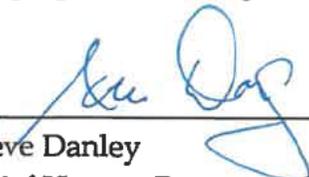
Date: March 31, 2014

To: Sandra Hutchens, Sheriff-Coroner
Orange County Sheriff-Coroner Department

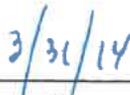
From: Steve Danley, Chief Human Resources Officer
Human Resource Services

Subject: Authorization to Discharge (Michael Anderson)

In accordance with Article XIV of the County of Orange 2003 Personnel and Salary Resolution and Orange County Sheriff-Coroner Department Policy Manual Section 340.2(a), the proposed discharge of Michael Anderson, Lieutenant, is approved.



Steve Danley
Chief Human Resources Officer



Date

cc: Wayne Byerley, Captain, OC Sheriff-Coroner Department
Mitchell Wang, Lieutenant, OC Sheriff-Coroner Department

**Internal Investigation
Administrative Worksheet**

PI# 13-141

Principal(s): Lieutenant Michael Anderson

Complainant(s): Administration

Facility/Location: James A. Musick / Captain Krueger

Disposition:

- Unfounded / Not Involved / Exonerated / Not Sustained / Sustained
 Administrative Leave

Discipline:

- Written Reprimand Suspension (# of hours _____)
 Demotion (to rank of _____) Dismissal

Transfer/Promotion: Delay Stop Other _____ # of months _____

Comments / Other: _____

Administrative Disposition by: A/S S [Signature] Date: 3/10/14

Administrative Appeal Hearing

Date: 5/9/14 Time: 1400

In Attendance: M. Anderson; C. Goldwasser (Atty.); Lt. M. Wang; Sgt. T. Harris

Comments: NONE.

Disposition: Dismissal is upheld.

Disposition by: A/S P. [Signature] Date: 5/22/14

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Asst. Sheriff S. Kea
FROM: Captain M. Krueger
DATE: March 5, 2014
RE: P.I. 13-141



*Conclusion w/ Recommendation
MKS
3/10/14*

I have reviewed the Personnel Investigative file 13-141 listing Lt. Michael Anderson as the sole principle. This investigation reveals Lt. Anderson's actions on 11-20-13 have risen to the level of an alleged criminal act. On 1-17-14 the O.C. District Attorney Office issued a criminal complaint listing Michael Anderson as a defendant for one count of P.C. 602.5(b) Aggravated Trespass of Dwelling. At the time of my review there have been no criminal conclusions determined in court to establish criminal guilt or innocence.

On 2-10-14 a Criminal Protective Order was issued against Michael Anderson that specifically articulates the possession of no firearms from 2-10-14 until 2-10-17. This protection order was served and acknowledged by Michael Anderson.

Based upon this court order, as it stands, he cannot lawfully possess a firearm. This court action does not make any exceptions for his current employment status or classification and ability to perform the duties as a California Law Enforcement officer/Deputy Sheriff/Lieutenant in the Sheriff's Department.

I believe the facts and statements in this investigation sustain all the violations of department policy as listed in this investigative file. I have considered the appropriate type of discipline for this situation and consider suspension, demotion, a combination of both and termination. Regardless of the criminal disposition or the existence of a Criminal Protective Order, I believe these acts by Lt. Michael Anderson have risen to a level of dismissal or termination.

In reaching my conclusion I have listed many of the aggravating and mitigating circumstances that were most important to me in reaching this conclusion.

Aggravating Circumstances

- Anderson is a **manager** in the Sheriff's department promoted to Lieutenant on 6-1-2012, non-probationary. He has been a Sheriff's sworn deputy for 13.5 years. He has promoted from the rank of Deputy Sheriff I to his present position of Lieutenant. He has experience as a law enforcement officer in the State of Arizona prior to joining the O.C. Sheriff's Department.
- Extensive law enforcement career Jail, Patrol, Investigations (Domestic Violence), Supervision
- Clearly acknowledges his relationship with Deputy ██████████ ended by September of 2013.



- Prior to ending relationship admits to making an additional copy of Deputy [REDACTED] house key. Does not return it with original key. Does not tell her or mention he has this key. Admits to finding it after relationship ended and placing it on his key ring. Does not destroy it or give it to her.
- Admits to reviewing or accessing Department scheduling program "In-Time" to check her schedule. No official business related reason. Should be considered personal use of department information. Stated to avoid contact at gym with [REDACTED]
- Despite repeated efforts by Deputy [REDACTED] to end all contact with Anderson, he comes by Deputy [REDACTED] residence, speaks to her and sends both text and phone calls.
- There is no on/off relationship after break up September 2013. He removed his personal belongings from her residence returned key and garage door opener.
- This escalated and was brought to the attention of Lt. Brad Newmeyer by Deputy [REDACTED] (her Lieutenant). On 9-10-13 Lt. Newmeyer personally called and spoke to Lt. Mike Anderson at the request of Deputy [REDACTED]
 - This appears to boarder on Penal Code 653M annoying phone calls.
- Anderson agrees to Lt. Newmeyer to stop contacting Deputy [REDACTED] No indication of unclear message, intent or unwillingness to stop contacting Deputy [REDACTED]
- Other than seeing Anderson at the gym no contact was made between the two of them between 9-6-13 and 11-20-13. (75 days or 10 Weeks)
- On 11-20-13 Anderson admits he entered Deputy [REDACTED] home without permission, unrequested and without her knowledge. Uses an extra key she is unaware of after returning the original key given back to Deputy [REDACTED] (possibly parked a distance away not to be noticed? Not in front of residence)
- Enters after knocking and getting no answer and believes the residence is unoccupied.
 - Intent to enter is to retrieve BBQ utensil
 - Goes into [REDACTED] bedroom to pet her dog.
- Anderson's behavior and admitted actions explained due to:
 - Past 4 year relationship with [REDACTED]
 - Yet maintained separate residences throughout
 - No history of Violence
 - Acceptable reason/action to make entry and get BBQ utensil then to play with dog.

Mitigating Circumstances:

To the best of my current knowledge and understanding Lt. Anderson has a demonstrated a good work history of good decisions, solid actions while acting as a jail watch commander.

He has investigated acts of misconduct by jail staff using facts and gathering pertinent information.

He has demonstrated a management level of understanding of department policies and the application of these policies with rules of conduct both on and off duty.



To my knowledge he has never used department information for anything other than department related purposes.



Initial Action

Complainant: Administration

Case Name: 13-141

Date of Complaint: 11-20-2013

Division / Division Commander: Musick Facility/CPT Krueger

INITIAL ACTION

- No Further Action
- Division Review
- Human Resources Investigation
- Division Personnel Investigation
- Personnel Investigation
- Internal Criminal Investigation

Internal Affairs:

Logged, P.I # and an Immediate Assessment by Internal Affairs:

I.A Sergeant Reviewed by: _____ Date: _____

Internal Criminal:

Sergeant: _____ Date: _____

Investigator: _____ Date: _____

- Administrative Leave


Assistant Sheriff / Commander

11/21/13
Date

Personnel Investigation Summary

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Lieutenant Mitch Wang
FROM: Sergeant Tracy Harris
DATE: January 21, 2014
RE: Personnel Investigation #13-141

Complainant: Administration
Employee(s): Lieutenant Michael Anderson
Incident Location: [REDACTED]
Incident Date: November 20, 2013 / 0900 Hours
Allegation(s): Orange County Sheriff's Department Policy Manual

1. 1018.1 STANDARD OF CONDUCT:

(a) Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the department.

2. 1018.6 OBEDIENCE TO LAWS AND REGULATIONS:

(a) Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the department and all orders of the department or commands thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule/regulation, procedure or policy in question.

3. 1018.33 INCURRING LIABILITY:

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the department, the Sheriff-Coroner, or the County.

4. 1001.2 CANONS OF ETHICS:

Standard 1.1 – Peace officers shall recognize that the primary responsibility of their profession and of the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived there from.

Standard 1.6 – Peace officers shall respect and uphold the dignity, human rights and Constitutional rights of all persons.



Standard 4.4 – Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

Standard 4.8 – Peace officers shall not engage in any activity that would create a conflict of interest or would be in violation of law.

Standard 4.9 - Peace officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

Standard 6.3 - Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

Initial Action
Attachment #1

On 11-21-13, at the direction of Commander S. Kea, Internal Affairs initiated a personnel investigation into the on off duty actions of Lieutenant Michael Anderson. It is alleged that on, 11-20-13, Lieutenant Anderson entered the residence of Orange County Deputy Sheriff [REDACTED] without her permission.

Summary of Written Complaint

Notice of Administration Leave:
Attachment #2

On 11-20-13 at about 1745 hours, Lieutenant Michael Anderson was placed on Administration Leave by Lieutenant M. Wang on behalf of Commander Nighswonger. Lieutenant Anderson was notified by Sergeant F. Thompson that, in accordance with Article I, Section 7A of the Personnel and Salary Resolution that he was on administrative leave with pay, effective immediately. Lieutenant Anderson affirmed he understood and signed the Notice of Administration Leave form.

Memo from Captain Krueger to Assistant Sheriff Trujillo:
Attachment #3

The memo is dated 9-20-13 and was reference the incident involving Lieutenant Michael Anderson. Captain Krueger documented the following:

On Wednesday November 20, 2013 at about 1500 hours, Captain Krueger received a voice mail message from Lieutenant Michael Anderson requesting to speak to him. Captain Krueger returned his call at 1505 hours and spoke to Lieutenant Anderson over the telephone. Lieutenant Anderson wanted



to make him aware of a situation that happened earlier today and that he has already spoken to Sergeant Andre Spencer (OCSD) regarding the incident.

Lieutenant Anderson told Captain Krueger he and his girlfriend [REDACTED] had ended their relationship about 2 to 3 months ago. Today he was at Home Depot or was planning to go to Home Depot when he realized he had left his BBQ tongs at [REDACTED] home. He went to the home to get the BBQ tongs when he started playing with a dog that he and [REDACTED] rescued that was at [REDACTED] home. While playing with the dog [REDACTED] came home and became pretty upset with him being there.

After speaking with Sgt. Spencer he was told he is a suspect in a criminal trespassing incident at [REDACTED] home from earlier today. Lieutenant Anderson indicated this was all that happened and he is not aware of any other allegations. Lieutenant Anderson said there was no violence of any kind.

Captain Krueger told Lieutenant Anderson that he would not ask him any more questions as this situation was already being investigated. Captain Krueger told him he would consider this notification to his supervisor of his suspected involvement in a criminal investigation.

Lieutenant Anderson was both apologetic and remorseful for having to make this notification to Captain Krueger. Captain Krueger told him he would let Commander S. Kea and Assistant Sheriff L. Trujillo aware of the situation.

**Memo from Lieutenant NewMyer to Lieutenant Meyer:
Attachment #4**

The memo is dated November 21, 2013 and is reference Lieutenant NewMyer's conversation with Deputy [REDACTED] regarding Lieutenant Michael Anderson. Lieutenant NewMyer wrote the following:

"On September 10, 2013 Deputy [REDACTED] currently working for me in Mission Viejo as a School Resource Officer, asked for a meeting with me. I met with her in the field and she told me that she recently ended a long term relationship with OCSD employee Lieutenant Mike Anderson. Since the end of their relationship Mike had been incessantly calling and texting her, and she has seen him drive past her home. She told me that she had ended the relationship and wanted Mike to stop contacting her in any way and to stop driving past or coming to her home. She asked me to handle the matter informally and hoped that if I called him and asked him to stop contacting her that he would.

I called Mike that afternoon and spoke to him on the phone. I relayed her request for him to stop contacting her by phone, text or in person. He agreed and then asked if I wanted him to call her to tell her that he would not be calling her anymore. I told him that I would call [REDACTED] back, let her know that I talked to him and again asked him to stop attempting to contact her. He agreed.



Today, November 20, 2013 at about 0945 hours I received a phone call from Sergeant Eric Hendry. He told me that he received a call from [REDACTED] this morning, that she was very upset and crying, and reported that she returned home this morning and found Mike in her home.

At about 0949 hours I called [REDACTED] and she told me the following: She asked and was allowed to adjust her hours and start her shift late today, due to a planned activity after her normally scheduled shift end time. She left home and ran a few errands, returning home at about 0900 hours. She walked in her front door and saw Mike walk out of her bedroom at the top of her stairs. She ordered him out of her home and he asked to talk to her. She again ordered him out of her home. Mike walked down the stairs and stopped at the front door and again asked to talk to her. She refused and again ordered him out of her home. He left. She conducted a walkthrough of her home and did not see anything disturbed or missing.

[REDACTED] said that when they ended their relationship, Mike returned the key to her home but she has never changed her locks or changed the electronic keypad code to open her garage door. She was unaware of how he entered her home this morning. She was surprised to see him this morning, and is concerned that this might not be the first time he was in her home, because she is not normally at home at 0900 hours. She added that since my conversation with Mike in September, she has only seen him a few times at the gym (but never spoke to him) where they are both members.

[REDACTED] said that Mike was not welcome in her home and requested both a crime report be written and an Emergency Protective Order be issued for her. I told her I would make notifications about the incident to my supervisor."

Internal Criminal Investigation by OCSD (DR #13-226960)

Attachment #5

Investigation Report by Case Agent Investigator Chad Kajfasz:

Case Summary:

On Wednesday, November 20th, at approximately 1110 hours, the Homicide Detail was assigned to conduct a possible internal criminal investigation regarding two Sheriff's Department employees. Deputy [REDACTED] came home to her residence at [REDACTED] in the City of Mission Viejo at approximately 0900 hours on Wednesday, November 20th, 2013 and found her former boyfriend, Lieutenant Michael Curtis Anderson [REDACTED], trespassing inside her home. Deputy [REDACTED] stated Lieutenant Anderson had no legal right to be in her home and she wanted to file charges and seek a restraining order against him. Homicide investigators responded to the location and began conducting the investigation, interviewing all parties involved, collecting evidence and interviewing possible witnesses. A neighborhood canvass was also conducted.



Text Messages between Lieutenant Anderson and Deputy [REDACTED]

Deputy [REDACTED] provided the following text messages sent between her and Lieutenant Anderson from September 03, 2013 to September 06, 2013. The messages were sent to Deputy [REDACTED] from Lieutenant Anderson's personal cell phone [REDACTED]. For further detail refer to images of texts obtained from Deputy [REDACTED] phone.

***September 3, 2013 – 1850 hours:**

-DEPUTY [REDACTED] - *"Please don't come by my house unannounced..."*

***September 4, 2013 – 1532 hours:**

-DEPUTY [REDACTED] - *"I am not trying to be rude or disrespectful in any way. But please stop calling and texting me, and/or stopping by my house."*

***September 6, 2013 – 1204 hours:**

- LIEUTENANT ANDERSON - *"I gave [REDACTED] your number. He wants to take photos for the yearbook"*

***September 6, 2013 – 1719 hours:**

- DEPUTY [REDACTED] - *"This will be the last time we have this conversation...stop coming by my house. Stop calling, stop texting..."*

- DEPUTY [REDACTED] - *"I'm trying to move on with my life and I have already asked you not to come by my house anymore..."*

- LIEUTENANT ANDERSON - *"I don't mean to upset you, it's obviously very hard for me. I'm still in love with you."*

-DEPUTY [REDACTED] - *"You need to find another way to deal. Coming by my house and exposing [REDACTED] to the awkwardness of break-ups isn't really helping."*

***September 6, 2013 – 1731 hours:**

- LIEUTENANT ANDERSON - *"I'm sorry, it's just my simple way of making sure you are safe."*

- DEPUTY [REDACTED] - *"So we are in agreement, right?"*

***September 6, 2013 – 1908 hours:**

- DEPUTY [REDACTED] - *"And in an effort to protect myself & my privacy, please understand that I don't want to air out our dirty laundry within the department. But you've almost left me no choice...I will take the appropriate measures if you don't leave me alone..."*

INTERNAL CRIMINAL INTERVIEW: LIEUTENANT MICHAEL CURTIS ANDERSON [REDACTED]

On Wednesday, November 20th, at approximately 1400 hours, Sergeant Spencer and Investigator Kajfasz conducted an interview with Lieutenant Anderson in the conference room at the Aliso Viejo Substation. The following is a summary of the interview:



Lieutenant Anderson is currently the Watch Commander at the James A. Musick Facility where he has been assigned since January of 2013. Prior to conducting the interview, Investigator Kajfasz read Lieutenant Anderson his rights per his department issued Miranda Warning card. Lieutenant Anderson answered "Yes" to each question asked. Lieutenant Anderson agreed to discuss the incident with Sergeant Spencer and Investigator Kajfasz and was completely cooperative throughout the interview.

Lieutenant Anderson stated that his relationship with Deputy █████ ended in July or August of 2013. Investigator Kajfasz asked Lieutenant Anderson if he had had any contact with Deputy █████ since the time of their break up and he said, "She didn't want any contact." He asked Lieutenant Anderson what he meant by that and he replied, "She didn't want me to phone her, call her, text her, any contact at all." He asked him if that included going to her residence and he said, "Yes."

Lieutenant Anderson recalled his phone conversation with Lieutenant NewMyer in September 2013 during which time Lieutenant NewMyer relayed Deputy █████ request that he cease all future contact with her. Regarding his conversation with Lieutenant NewMyer, Lieutenant Anderson stated, "He basically said not to contact her."

Investigator Kajfasz asked Lieutenant Anderson if he had gone by Deputy █████ residence since speaking with Lieutenant NewMyer on September 10th and he stated, "I've driven by there to go to Oggi's. That's a place that I go to every now and then to get a pizza on the way home or whatever so that's a route I will take." Oggi's Restaurant located at 23641 Via Linda, Mission Viejo, CA 92691 is approximately ½ mile from Deputy █████ residence.

Lieutenant Anderson stated on the morning of November 20, 2013, he went to Home Depot to buy some parts for a toilet. On his way to Home Depot, Lieutenant Anderson decided to go by Deputy █████ residence to pick up some barbeque utensils that he had left there during the course of their relationship. Lieutenant Anderson did not specify which Home Depot he was going to. The closest Home Depot to Lieutenant Anderson's residence is located at 27401 La Paz Road, Laguna Niguel, CA 92677. The Home Depot at that particular location is approximately 1.2 miles from Lieutenant Anderson's residence and approximately 5.6 miles away from Deputy █████ residence.

Lieutenant Anderson stated he did not know if Deputy █████ would be home when he went to her residence to get his barbeque utensils. He said, "I rang the doorbell. I didn't know if she was going to be home or not." He said, "I figured I'd just go over, grab my utensils. That's all I wanted." Lieutenant Anderson told Investigator Kajfasz that if Deputy █████ was home he was going to ask for his barbeque utensils. He admitted to knowing her work schedule but stated he did not know if she'd be home at that particular time stating, "She changes her hours."

When Lieutenant Anderson rang the doorbell he heard Deputy █████ dog █████ barking inside the house. Lieutenant Anderson explained that he missed █████ because he hadn't been able to see him since splitting up with Deputy █████ Lieutenant Anderson admitted to using a spare key that he had retained in his truck to gain access to Deputy █████ residence at that time. Investigator Kajfasz asked Lieutenant Anderson if Deputy █████ had requested that he return her house key when they ended their relationship and he said, "I did, but I had another key." Lieutenant Anderson stated that



he had the spare key made while they were dating but he had forgotten that it was still in the center console of his truck. Lieutenant Anderson did not know if [REDACTED] was aware he still had a key to her residence.

After using his spare key to enter Deputy [REDACTED] residence, Lieutenant Anderson decided to go upstairs into her bedroom and pet her dog rather than just retrieve his barbecue utensils and leave. Investigator Kajfasz asked Lieutenant Anderson if he was looking for his barbecue utensils in Deputy [REDACTED] room and he said, "The barbecue utensils would have been downstairs in her kitchen, but [REDACTED] was barking from upstairs so I went upstairs to go pet [REDACTED]." While Lieutenant Anderson was petting the dog, Deputy [REDACTED] came home and found him inside her bedroom. Lieutenant Anderson admitted to being surprised when Deputy [REDACTED] returned home and found him in her room. Deputy [REDACTED] became upset over the fact that he was there and told him to leave. Lieutenant Anderson complied and left without further incident.

Investigator Kajfasz asked Lieutenant Anderson if there was any type of physical altercation between himself and Deputy [REDACTED] during the incident and he said, "No." When he asked Lieutenant Anderson if he threatened Deputy [REDACTED] during the incident, he said, "No." He said, "I didn't have a chance to say anything. She never gave me a chance to even talk. I told her I was petting [REDACTED]. All I did was say [REDACTED] and she just said, get out and that was the extent of it."

Sergeant Spencer asked Lieutenant Anderson if he was able to retrieve his barbecue utensils from Deputy [REDACTED] residence during the incident and he said, "No." Lieutenant Anderson described the utensils as a long spatula and a long pair of tongs. Lieutenant Anderson admitted that he does not get mail at Deputy [REDACTED] residence, that he was not on the lease there, and that he did not live there. Sergeant Spencer asked Lieutenant Anderson if he was aware that he had no legal right to be in Deputy [REDACTED] residence and Lieutenant Anderson replied, "I do realize that. But like I said, my sole intention was to get my stuff back."

Lieutenant Anderson gave Investigator Kajfasz the key he used to enter Deputy [REDACTED] residence during the incident. The key was later booked into evidence.

After speaking with Lieutenant Anderson, Investigator Kajfasz contacted Deputy [REDACTED] by phone and asked her if he had left any of his personal property at her residence. Deputy [REDACTED] told him that Lieutenant Anderson had no remaining personal property at her residence because he had removed it when the relationship ended. Deputy [REDACTED] told him that she was unaware that Lieutenant Anderson still had a key to her house. She stated that she specifically asked him to return her house key when they ended their relationship.



Orange County Sheriff's Department Human Resources**Memo from Robin Scruggs to Buffy O'Neil:
Attachment #6**

The memo is dated 12-16-13 and is reference the employee relations between Deputy [REDACTED] and Lieutenant Michael Anderson. Robin Scruggs interviewed Deputy [REDACTED] reference possible work related harassment. Robin wrote the following:

"In August of 2013, Lieutenant Michael Anderson's girlfriend, an OCSD Deputy, ended their long term relationship. However, Anderson continued to call and text her even after being asked to stop. On November 20, 2013, the deputy went home early from work and discovered Anderson inside of her home. Anderson did not have permission to be in her home and had returned his house key when their relationship ended. The Deputy filed a crime report and received a temporary restraining order that includes a restriction preventing Anderson from possessing any firearms.

Lieutenant Anderson was interviewed by Sheriff's Internal Criminal and admitted to being in the home without her permission. During the December 3, 2013, case conference with OCSD IA & HR, County Counsel, and County HR, concern of possible workplace Sexual Harassment was brought about due to Lt. Anderson being a higher ranking employee than Deputy [REDACTED] County HR Sr. Employee Relations Manager Sally Romero notified County EEO Manager of the possible harassment issue, and that Sheriff HR would follow up on it.

On December 6, 2013, I met with Deputy [REDACTED] to discuss the situation and see if she had any issues with Lieutenant Anderson or feel any level of workplace harassment. Deputy [REDACTED] stated she feels harassed by Lt. Anderson on a personal level, but not in any way work related, and she did not want to file a complaint against him. She said their relationship was between consenting adults and did not interfere with their work. She said the harassment was Lt. Anderson constantly trying to contact her on her personal phone via calls and text message. Deputy [REDACTED] stated Lt. Anderson did attempt to contact her while she was working; however, she usually did not answer the calls or text messages. Occasionally this would affect her on the job because she would feel frustrated at his attempts to contact her, though she did not let her feelings interfere with her duties and responsibilities. Deputy [REDACTED] stated Lt. Anderson never used his authority over her or threaten her. She did indicate a situation that occurred after they ended their relationship. Lt. Anderson went against an agreement they made prior to their dissolution regarding Lt. Anderson applying for City Chief. When they were together, they agreed that he would not put in for the position because it was for the city she was assigned to and she would then have to transfer to a different location. Deputy [REDACTED] had recently acquired the position of School Resource Officer, which she had been striving for. Approximately a week after she ended their relationship, Deputy [REDACTED] found out Lt. Anderson had put in the for City Chief position. Deputy [REDACTED] contacted Lt. Anderson to ask him about it and he told her he'd be happy to pull his memo back. Deputy [REDACTED] responded by telling him that was a good idea, to which he replied "You don't want to be with me, so why"? About a week after their conversation, Lt. Anderson pulled his memo, retracting his interest in the City Chief position.



Deputy ██████ stated there was never any force or violence in their relationship. Her concerns are his erratic, unstable behavior that he is now displaying (being in her home without permission), and if he does return to work he has access to "InTime" and will be able to obtain her work or training location, as well as her work schedule, knowing when she will not be home and could trespass on her property again. She said she believed he informed Sheriff Department Criminal Investigations that he knew she would not be home the day he was in her house because he had checked "InTime". Deputy ██████ said she is in fear for her safety because he was in her home and due to his current instability.

On September 10, 2013 (prior to Lt. Anderson being in her home), Deputy ██████ spoke to her Lieutenant, Lt. NewMyer, she was seeking advice on whether to file a complaint at work or a police report due to Lt. Anderson's constant attempts to contact her. She followed advice from peers to speak to Lt. NewMyer and request he talk to Lt. Anderson on a peer level to ask him to stop calling and texting her. Lt. NewMyer told Deputy ██████ he would speak with Lt. Anderson. Lt. NewMyer followed up with Deputy ██████ after he spoke with Lt. Anderson and told her he documented the situation.

Deputy ██████ explained that after their break up (prior to November 20, 2013 incident), Lt. Anderson had shown up at the gym she attends during times she was working out even though they had differing work hours (odd he would go knowing she would be there). She said Lt. Anderson would call her friends and ask why she closed the door on him, and they would tell him she didn't want to see him. Deputy ██████ does not fear for ██████ safety and Lt. Anderson has not tried to contact ██████

Due to Deputy ██████ statements, there are no findings or allegations of sexual or any type of work related harassment."

[Investigators Note: "InTime" is a database used by the Sheriff's Department to track, schedule and maintain employee's work schedules.]

Internal Affairs Investigation

Restraining Orders: Attachment #7

Temporary Restraining Order:

On 11-21-13, Deputy ██████ obtained a Temporary Restraining Order against Lieutenant Anderson. The order (██████) filed at the Lamoreaux Justice Center on 11-22-13 was signed by Commissioner Renee E. Wilson and was set to expire on 12-6-13.



Restraining Order:

On 12-6-13, Deputy ██████ obtained a Restraining Order against Lieutenant Anderson. The order ██████ filed at the Lamoreaux Justice Center on 12-6-13 was signed by Commissioner Renee E. Wilson. The order, which is effective through December 6, 2018, lists Deputy ██████ and ██████ as protected parties and Lieutenant Anderson as the restrained person. The order indicates that Lieutenant Anderson was present during the hearing and agreed to the provisions of the order. Section 6(a) of the order states, "Lieutenant Anderson cannot contact, either directly or indirectly, by any means, including, but not limited to, by telephone, mail, e-mail or other electronic means." Section 9(a) of the order states, "Lieutenant Anderson cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition." Section 11 of the order states, "Lieutenant Anderson must stay at least 100 yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of Deputy ██████

Criminal Protective Order:

On 2-10-14, Lieutenant Anderson was served a Criminal Protective Order ██████ during his arraignment at the Harbor Justice Center by Judge Brett London. The order was then signed by Lieutenant Anderson and filed by the court. The order, which is effective through February 10, 2017, lists Deputy ██████ as the protected person. The order states that Lieutenant Anderson is not to have any contact with Deputy ██████ directly, indirectly or through a third party except an attorney. Lieutenant Anderson is to not go within 100 yards of Deputy ██████. Lieutenant Anderson was also provided a copy of the "Power of Attorney for Firearms Relinquishment, Sale or Disposal – Declaration" pursuant to Penal Code 29810. This code prevents Lieutenant Anderson from purchasing or receiving firearms and orders him to surrender all firearms in his possession.

**Property Report by Sergeant Fred Thompson (DR#13-226960):
Attachment #8**

The report is dated 11-22-13. Sergeant Thompson went to Lieutenant Anderson's home and collected three (3) personal weapons [Glock Handguns] and magazines per the above court order.

**District Attorney Letter:
Attachment #9**

The letter is dated 1-8-14 and is reference Lieutenant Michael Anderson. The letter is informing the Sheriff's Department that the District Attorney's office is conducting a legal review and investigation into the allegation of aggravated trespass in violation of Penal Code 602.5 involving Lieutenant Anderson. The District Attorney's office is requesting access to Lieutenant Anderson's personnel files and all other administration files pertaining to him.



The District Attorney's Office specifically requested that the Department not include any ordered and/or compelled statements pursuant to any administration investigation.

On 11-16-14, District Attorney's Supervising Investigator Mark Gutierrez viewed Lieutenant Anderson's files in the Internal Affairs Office.

**OCSD ELETE.NET [Vision]:
Attachment #10**

Per Vision on the ELETE database, the District Attorney on 1-17-14 filed a misdemeanor charge of CPC 602.5(b) Aggravated Trespass against Lieutenant Michael Anderson. The case is calendared on 2-10-14, at 0830 hours at the Harbor Justice Center in H8 for arraignment [REDACTED]

On 2-10-14, Lieutenant Anderson was present at his Arraignment hearing at the Harbor Justice Center. Lieutenant Anderson requested time to retain counsel. Judge London continued the case for Arraignment to 3-13-14 and served Lieutenant Anderson with a Criminal Protective Order.

**Internal Affairs Interviews
Attachment #11**

Deputy [REDACTED]

On January 27, 2014 at about 1005 hours, Sergeant Wilson and I interviewed Deputy [REDACTED] reference this investigation. The interview was digitally recorded and the following is a summary of the interview:

Deputy [REDACTED] has worked for the Sheriff's Department since 2006. She is currently assigned to South Operations working as a School Resource Officer for the City of Mission Viejo. In 2009, when she was working at the IRC, she met Lieutenant Michael Anderson who was the Watch Commander for that facility. Around that time, they began a dating relationship that ended in September 2013.

Deputy [REDACTED] stated during their 4 year long relationship they never lived together. She and Lieutenant Anderson maintained separate residences; however, they did occasionally stay at each other's homes when they didn't have their children from previous relationships. They both kept clothing and personal hygiene items at each other's homes. Deputy [REDACTED] stated Lieutenant Anderson never had mail delivered to her home, nor did he use her address for any documentation purposes.

Deputy [REDACTED] stated during their relationship, she adopted a dog named [REDACTED] in 2012. She adopted, paid for and cared for the dog at her residence. She claimed Lieutenant Anderson didn't even want her to get the dog. She still has the dog and stated it was always her dog and not his.



Deputy ██████ stated during their relationship, she bought a BBQ for her residence. She never bought BBQ utensils and just used the utensils she had in her kitchen. She claimed Lieutenant Anderson never bought BBQ utensils and left them at her residence. She stated there is a Home Depot close to his residence and she never knew him to shop at the Home Depot in ██████ near her home.

Deputy ██████ stated during their relationship, she gave Lieutenant Anderson a spare house key and garage door opener to her residence. Once the relationship ended in September 2013, Lieutenant Anderson collected all his personal property from her home and gave back the spare key and garage door opener.

Deputy ██████ stated she always parked her vehicle in her garage. When Lieutenant Anderson would come over, he would always park his vehicle in front of her house on the street. The location where Lieutenant Anderson would usually park his vehicle would be visible to Deputy ██████ if she came home and pulled into her garage.

In August 2013, Deputy ██████ ended her dating relationship with Lieutenant Anderson. For the next month after their breakup, Lieutenant Anderson continued to call, texted and come over to her house unannounced. Each time he called, texted or showed up to her house unannounced he would try and talk with her about their relationship and getting back together. He constantly asked her out to dinner and accused her of seeing somebody else. She would always tell him that their relationship was over and that he needed to move on. When he showed up to her house, she would tell him he had to leave and she didn't want him there.

In September 2013, after several phone calls and text messages, Deputy ██████ saw Lieutenant Anderson driving down her street. She stopped and confronted him about being near her home. She told him not to come by her house anymore. She then notified Lieutenant NewMyer her City Chief of the situation.

Deputy ██████ told Lieutenant NewMyer about the unwanted phone calls, text messages and unannounced visits from Lieutenant Anderson. She asked him if he could contact Lieutenant Anderson informally and have him stop with the phone calls, text messages and unannounced visits. He agreed and contacted Lieutenant Anderson and passed on the message and informed him to stop.

Deputy ██████ stated Lieutenant Anderson stopped calling, texting and coming by her house after her conversation with Lieutenant NewMyer; however, he started to show up at her gym at the same time she works out. She thought this was odd because she never saw him there before during the times she works out. He never talked to her at the gym and she never talked to him.

On Wednesday November 20, 2013, Deputy ██████ adjusted her work schedule to start later in the morning to run some errands. She left her residence at about 0800 hours to drop her ██████ off at school and run some errands. She later returned home to get ready for work. When she got home, she pulled her vehicle into the garage. When parking her vehicle she never noticed or saw Lieutenant Anderson's vehicle out front. She entered her residence from the inner door in her garage and set her things down at the base of her stairs. She looked up towards her bedroom and saw Lieutenant Anderson exiting her master bedroom.



Deputy ██████ yelled at Lieutenant Anderson, "What the fuck are you doing here." He then told her several times, "Please just let me talk to you." She then pointed to the front door and told him to leave her residence. He walked downstairs and continued to try and talk with her but she insisted he leave. He walked out the front door and she closed and locked the door behind him.

Deputy ██████ immediately ran upstairs and looked out her window to see where Lieutenant Anderson had parked. She was mad at herself for missing his vehicle when she pulled up to her house. She looked out the window and didn't see him or his vehicle. She thought this was strange because there was no way he could have got to his vehicle and left by the time she looked out the window. She thinks he must have parked his vehicle out of sight and not where he normally parks.

Deputy ██████ stated she never invited or gave permission to Lieutenant Anderson to enter her residence that day. She didn't know how he gained access to her home until she was later informed of his spare key. She never knew he made a spare key to her residence and never gave him permission to make one.

Deputy ██████ stated during the incident Lieutenant Anderson never told her he was there to pick up BBQ utensils or that he went upstairs to pet her dog. She thinks now that this wasn't the first time he entered her home while she was gone. For this reason she obtained a restraining order against him out of fear.

Lieutenant Michael Anderson:

On February 6, 2014, at 0930 hours, Sergeant Morris and I interviewed Lieutenant Michael Anderson. Prior to going on tape, I had Lieutenant Anderson review and sign the Public Safety Procedural Bill of Rights, the Confidentiality Directive and the Miranda/ Lybarger Admonishment. The interview was recorded and the following is a summary of that interview:

Lieutenant Anderson identified himself. He understood he was a principal in this investigation. He read his Miranda Warning and understood his rights. Lieutenant Anderson would not waive his rights and as a result, I compelled him to answer my questions, under Lybarger. I informed him that the complaint was initiated by Sheriff's Administration and involved allegations of, but not limited to Standard of Conduct, Incurring Liability and Obedience to Laws and Regulations.

Lieutenant Anderson has worked for the Sheriff's Department for 13.5 years. He is currently assigned to the James A. Musick Facility. He said he is familiar with the department's policies and procedures. Specifically he is familiar with policy sections 1018.1 (Standard of Conduct), 1018.6 (Obey Laws and Regulations) and 1018.33 (Incurring Liability). He confirmed that he has signed onto Lexipol and accepted the policy manual. Lieutenant Anderson stated he didn't want an ACLEMS representative or attorney during the interview.

Lieutenant Anderson stated he met Deputy ██████ at the "Old Ship" restaurant in March 2009. They were both assigned to the Intake Release Center at that time. Shortly after, they started a 4 year



dating relationship. Their relationship ended sometime during the end of July or beginning of August 2013.

Lieutenant Anderson stated during their 4 year long relationship they practically lived together. He and Deputy ██████ maintained separate residences; however, they stayed at each other's homes all the time. They both kept clothing and personal hygiene items at each other's homes. Lieutenant Anderson also had electronic equipment and tools at ██████ home. Lieutenant Anderson used Deputy ██████ address once when he subscribed to a magazine. The magazine was a gift to her, but his name was used on the address. **[Investigation Note: Deputy ██████ stated Lieutenant Anderson never used her address for anything and claimed he only had clothes and hygiene items stored at her house. After they broke-up, Lieutenant Anderson retrieved all his personal property from her residence.]**

Lieutenant Anderson stated during their relationship, Deputy ██████ adopted a dog named ██████ in 2012. He said, "It's officially her dog because it's in her name." He told her during the adoption that he thought she shouldn't adopt the dog. After their relationship ended, the dog remained at her residence.

Lieutenant Anderson stated during their relationship, Deputy ██████ bought a BBQ for her residence. He had BBQ utensils from his previous house and brought them over to her house for them to use. He didn't have a BBQ at his house during their relationship. He still doesn't have a BBQ at his house; however, he stated on 11-20-13 he was going to Home Depot to look for one to buy. **[Investigation Note: Lieutenant Anderson told Investigator Kajfasz during his interview that he went to Home Depot to look for parts for a broken toilet, on his way to the store he decided to go to Deputy ██████ residence to retrieve his BBQ utensils. He never told him he was planning on buying a BBQ at Home Depot. Deputy ██████ stated Lieutenant Anderson never bought or brought over BBQ utensils to her residence during their relationship. Deputy ██████ stated they just used her regular kitchen utensils when they barbequed.]**

Lieutenant Anderson stated during their relationship, Deputy ██████ gave him a spare house key and garage door code to her residence. Once the relationship ended in September 2013, he returned the spare key to her. Lieutenant Anderson stated during their relationship he made several spare keys for Deputy ██████ residence on her request. The keys were made for her mom when she changed her locks in 2011. Lieutenant Anderson doesn't recall if Deputy ██████ knew he had an extra key. **[Investigation Note: Deputy ██████ stated she didn't know Lieutenant Anderson had a spare key to her residence.]**

Lieutenant Anderson stated he always parked his vehicle in front of Deputy ██████ residence on the street when he was there. The location where Lieutenant Anderson would park his vehicle would be visible to Deputy ██████ if she came home and pulled into her garage. **[Investigation Note: Deputy ██████ stated she did not see Lieutenant Anderson's vehicle parked on the street in front of her residence when she got home on 11-20-13. Deputy ██████ immediately ran upstairs when Lieutenant Anderson left her residence to see where he had parked. Deputy ██████ still didn't see**



his vehicle parked on the street in front of her residence and didn't see Lieutenant Anderson either. Deputy ██████ thought Lieutenant Anderson parked elsewhere.]

Lieutenant Anderson stated he worked out at the same gym as Deputy ██████. On his days off, he would work out in the morning. When he worked, he would workout at 1730 when the class started. He would see Deputy ██████ at the gym, but she wouldn't talk to him. Lieutenant Anderson stated he would go to "Oggi's" restaurant on the days he worked and wait until 1730 before heading to the gym. This would take him directly past Deputy ██████ residence. **[Investigation Note: Lieutenant Anderson told Investigator Kajfasz, "She didn't want any contact with me" when asked if had any contact with Deputy ██████ since they broke-up. He never answered the question regarding if he had contact with her or not. Deputy ██████ stated she didn't see Lieutenant Anderson at her gym during the times she works out until after they broke-up and after the conversation with Lieutenant NewMyer.]**

Lieutenant Anderson stated he would check OCSD InTime to look at Deputy ██████ work schedule. He did this while they were dating, after they broke up and said "I checked her schedule a lot after the conversation with Lieutenant NewMyer." The reason why he checked her schedule after they broke up was to avoid her at the Irvine Spectrum. He knew Deputy ██████ went there with ██████ so he would check InTime when he was going there to make sure they wouldn't run in to each other. **[Investigation Note: Deputy ██████ told Robin Scruggs she thought Lieutenant Anderson was checking her schedule using "InTime."]**

Lieutenant Anderson remembers calling, texting and going by Deputy ██████ residence after they broke up. He would try and contact her to discuss their relationship, but he couldn't recall what he said or texted. He remembers her telling him that she didn't want him to talk to her anymore. One day prior to his conversation with Lieutenant NewMyer, He drove by Deputy ██████ residence and saw her outside walking her dog. He stopped and got out of his vehicle so he could say "Hi" to the dog. He couldn't recall what Deputy ██████ said during this contact. **[Investigation Note: Lieutenant Anderson never answered the direct question when asked by Investigator Kajfasz about having contact with Deputy ██████ after they broke-up. Deputy ██████ confirmed the above statement by Lieutenant Anderson.]**

On 9-10-13, Lieutenant Anderson received a phone call from Lieutenant NewMyer. Lieutenant NewMyer informed him that Deputy ██████ did not want him to call, text or come by her residence anymore. He thought this was unusual for her lieutenant to call him on her behalf. After the conversation, Lieutenant Anderson stopped trying to contact Deputy ██████.

Lieutenant Anderson stated he had his vehicle detailed at the James A. Musick Facility. When he was preparing his vehicle to be detailed he found a spare key to Deputy ██████ residence in his center console. He put the spare key on his key chain and forgot about it.

On 11-20-13 at about 0900 hours, Lieutenant Anderson left his home to go to Home Depot to look at BBQs and toilets. On his way to Home Depot, he remembered he had BBQ utensils at Deputy ██████ residence. He decided he would first go by Deputy ██████ residence to see if she was home. If she



was home, he was going to ask her for his BBQ utensils and leave. **[Investigation Note: Again, Lieutenant Anderson never told Investigator Kajfasz he went to Home Depot to look at BBQ's. Deputy ██████ also denied Lieutenant Anderson ever having BBQ utensils at her residence.]**

Lieutenant Anderson pulled up to Deputy ██████ residence and parked in front of her house on the street where he normally did. He didn't think she would be home, but he went up and knocked on the front door and rang the doorbell. Nobody answered the door, but he could hear her dog barking from inside. Since he hasn't seen the dog in a while, he decided to use his spare key and let himself in. He entered the house and saw the dog at the top of the stairs. He went upstairs and started petting the dog for a few minutes. Deputy ██████ then came home and found him inside her residence at the top of the stairs. **[Investigation Note: Lieutenant Anderson told Investigator Kajfasz he went upstairs into Deputy ██████ bedroom to pet the dog. When she got home, she discovered him in her bedroom. Deputy ██████ stated she saw Lieutenant Anderson exiting her bedroom when she got home.]**

Deputy ██████ immediately started yelling at Lieutenant Anderson to get out of her house. He didn't have a chance to explain why he was there because she wouldn't let him talk. He said, "She didn't want to hear it." He then left her residence without incident. **[Investigation Note: Lieutenant Anderson told Investigator Kajfasz he told Deputy ██████ he was just petting the dog. Deputy ██████ stated Lieutenant Anderson never told her why he was in her house.]**

Lieutenant Anderson stated he parked in front of Deputy ██████ residence and she should have seen his vehicle when she got home. He said he never went into her bedroom, and the only reason he was upstairs was to pet the dog. He stated the dog was old and had bad hips so he wouldn't go down stairs when someone came to the door. He said it was his day off so he didn't check her schedule that day. He knew sometimes she adjusted her schedule due to school events and thought maybe she might be home that day. **[Investigation Note: Deputy ██████ stated she never saw Lieutenant Anderson's vehicle when she got home or after she ran upstairs to see where he had parked.]**

Lieutenant Anderson was asked if he ever thought it was a bad idea to go to Deputy ██████ residence after she told him to stay away and his conversation with Lieutenant NewMyer. Lieutenant Anderson replied, "I would like to say yes, but I just did what I did." He explained his intentions were not to do anything harmful, and said, "Ya, It was stupid but we lived together for 4 years." Lieutenant Anderson confirmed he didn't have permission from Deputy ██████ to enter her home on 11-20-13.

Lieutenant Anderson confirmed he has an active restraining order against him. The order stated he is to have no contact with Deputy ██████. He is also restricted from possessing any firearms. Lieutenant Anderson is planning to appeal the order during his criminal proceedings.

Included for Review (Attachments)

1. Initial Action
2. Notice of Administration Leave



3. **Memo from Capt. Krueger to Asst. Sheriff Trujillo**
4. **Memo from Lt. NewMyer to Lt. Meyer**
5. **Internal Criminal Investigation (OCSD Homicide) Case Agent Investigator Kajfasz DR#13-226960**
6. **Memo from Robin Scruggs to Buffy O'Neil**
7. **Restraining Orders**
8. **Property Report by Sergeant Thompson DR #13-226960**
9. **District Attorney Letter**
10. **OCSD ELETE.NET [Vision]**
11. **Internal Affairs Interviews (CD)**
12. **OCSD Policy and Procedures**
13. **MOU for Administrative Management Unit**
14. **Personnel Investigation Summary**



Notice of Administration Leave



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION NOTICE OF ADMINISTRATIVE LEAVE

Confidential

To: Assistant Sheriff Lee Trujillo

From: Sergeant Gene Inouye

Date: November 21, 2013

Please be advised that Lieutenant Michael Anderson [REDACTED] has been placed on Administrative Leave effective November 20, 2013 at 1745 hours.

cc: Commander Steve Kea
Captain Mike Krueger
Captain Wayne Byerley
Lieutenant Mitch Wang
Human Resources Manager-Buffy O'Neil
Human Resources – Robin Scruggs
County Counsel – Mark Howe
Human Resources Services – Robert O'Brien
Human Resources Services – Lisa Bauer
Human Resources Services – Sally Romero
Sheriff's Payroll – Doris De La Cruz
PSD – Sophia Maciel, Transaction Team
PSD – Christina Chavez, Position Control



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF ADMINISTRATIVE LEAVE

You are hereby notified that, in accordance with Article I, Section 7A of the Personnel and Salary Resolution, you are on administrative leave with pay, effective immediately.

You are ordered to be on call and remain at your residence, or other designated area, Monday through Friday, between 0800 and 1600 hours, except for county holidays. Please contact Internal Affairs at (714) 834-5548, if you will be away from your residence during that time period.

Consent to leave must be authorized by the Professional Standards Division Captain, Lieutenant or their designee.

Use of sick pay, compensatory pay, vacation pay, etc., during the hours of administrative leave, continue to fall under the provisions provided in the memorandum of understanding for your employee group.

MICHAEL CURTIS ANDERSON

Employee Name (print)

[Redacted]

Residence (Designated Area Address)

[Redacted]

Telephone Number(s)

MUSICK FACILITY

Employee's Assigned Division

[Signature]

Employee Signature

11-20-13

Date

U. W. W. #1026

Assistant Sheriff or Designee

11-20-13

Date

ON BEHALF OF COMMANDER D. NIGHTSWONGER

**Memo from Captain Krueger to Assistant
Sheriff Trujillo**

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Asst. Sheriff L. Trujillo
FROM: Capt. M. Krueger
DATE: 9-20-13
RE: Lt. Mike Anderson

On Wednesday November 20, 2013 at about 1500 hours I received a voice mail message from Lt. Mike Anderson requesting to speak to me. I returned his call at 1505 hours and spoke to Lt. Mike Anderson over the telephone. Lt. Anderson wanted to make me aware of a situation that happened earlier today and that he has already spoken to Sergeant Andre Spencer (OCSD) regarding the incident.

Lt. Anderson told me he and his girlfriend [REDACTED] had ended their relationship about 2 to 3 months ago. Today he was at Home Depot or was planning to go to Home Depot when he realized he had left his BBQ tongs at [REDACTED] home. He went to the home to get the BBQ tongs when he started playing with a dog that he and [REDACTED] rescued that was at [REDACTED] home. While playing with the dog [REDACTED] came home and became pretty upset with him being there.

After speaking with Sgt. Spencer he was told he is a suspect in a criminal trespassing incident at [REDACTED] home from earlier today. Lt. Anderson indicated this was all that happened and he is not aware of any other allegations. Lt. Anderson said there were no violence of any kind.

I told Lt. Mike Anderson that I would not ask him any more questions as this situation was already being investigated. I told him I would consider this notification to his supervisor of his suspected involvement in a criminal investigation.

Lt. Mike Anderson was both apologetic and remorseful for having to make this notification to me. I told him I would let Commander S. Kea and Assistant Sheriff L. Trujillo aware of the situation.



**Memo from Lieutenant NewMyer to
Lieutenant Meyer**

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Lt. John Meyer
FROM: Lt. NewMyer
DATE: November 20, 2013
RE: [REDACTED]

Lieutenant Meyer,

On September 10, 2013 Deputy [REDACTED] currently working for me in Mission Viejo as a School Resource Officer, asked for a meeting with me. I met with her in the field and she told me that she recently ended a long term relationship with OCSO employee Lieutenant Mike Anderson. Since the end of their relationship Mike had been incessantly calling and texting her, and she had seen him drive past her home. She told me that she had ended the relationship and wanted Mike to stop contacting her in any way and to stop driving past or coming to her home. She asked me to handle the matter informally and hoped that if I called him and asked him to stop contacting her that he would.

I called Mike that afternoon and spoke to him on the phone. I relayed her request for him to stop contacting her by phone, text or in person. He agreed and then asked if I wanted him to call her to tell her that he would not be calling her anymore. I told him that I would call [REDACTED] back, let her know that I talked to him and again asked him to stop attempting to contact her. He agreed.

Today, November 20, 2013 at about 0945 hours I received a phone call from Sergeant Eric Hendry. He told me that he received a call from [REDACTED] this morning, that she was very upset and crying, and reported that she returned home this morning and found Mike in her home.

At about 0949 hours I called [REDACTED] and she told me the following: She asked and was allowed to adjust her hours and start her shift late today, due to a planned activity after her normally scheduled shift end time. She left home and ran a few errands, returning home at about 0900 hours. She walked in her front door and saw Mike walk out of her bedroom at stop at the top of her stairs. She ordered him out of her home and he asked to talk to her. She again ordered him out of her home. Mike walked down stairs and stopped at the front door and again asked to talk to her. She refused and again ordered him out of her home. He left. She conducted a walk through of her home and did not see anything disturbed or missing.

[REDACTED] said that when they ended their relationship, Mike returned the key to her home but she has never changed her locks or changed to electronic keypad code to open her garage door. She was unaware of how he entered her home this morning. She was surprised to see him this morning, and is concerned that this might not be the first time he was in her home, because she is not normally at home at 0900 hours. She added that since my conversation with Mike in September, she has only seen him a few times at the gym (but never spoke to him) where they are



both members.

██████ said that Mike was not welcome in her home and requested both a crime report be written and an Emergency Protective Order be issued for her. I told her I would make notifications about the incident to my supervisor.



Memo from Robin Scruggs to Buffy O'Neil

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Buffy O'Neil, Human Resources Manager
FROM: Robin Scruggs, Employee Relations Manager
DATE: December 16, 2013

RE: Deputy [REDACTED] / Lt. Michael Anderson issue

In August of 2013, Lieutenant Michael Anderson's girlfriend, an OCSD Deputy, ended their long term relationship. However, Anderson continued to call and text her even after being asked to stop. On November 20, 2013, the deputy went home early from work and discovered Anderson inside of her home. Anderson did not have permission to be in her home and had returned his house key when their relationship ended. The Deputy filed a crime report and received a temporary restraining order that includes a restriction preventing Anderson from possessing any firearms.

Lieutenant Anderson was interviewed by Sheriff's Internal Criminal and admitted to being in the home without her permission. During the December 3, 2013, case conference with OCSD IA & HR, County Counsel, and County HR, concern of possible workplace Sexual Harassment was brought about due to Lt. Anderson being a higher ranking employee than Deputy [REDACTED]. County HR Sr. Employee Relations Manager Sally Romero notified County EEO Manager of the possible harassment issue, and that Sheriff HR would follow up on it.

On December 6, 2013, I met with Deputy [REDACTED] to discuss the situation and see if she had any issues with Lieutenant Anderson or feel any level of workplace harassment. Deputy [REDACTED] stated she feels harassed by Lt. Anderson on a personal level, but not in any way work related, and she did not want to file a complaint against him. She said their relationship was between consenting adults and did not interfere with their work. She said the harassment was Lt. Anderson constantly trying to contact her on her personal phone via calls and text message. Deputy [REDACTED] stated Lt. Anderson did attempt to contact her while she was working; however, she usually did not answer the calls or text messages. Occasionally this would affect her on the job because she would feel frustrated at his attempts to contact her, though she did not let her feelings interfere with her duties and responsibilities. Deputy [REDACTED] stated Lt. Anderson never used his authority over her or threaten her. She did indicate a situation that occurred after they ended their relationship. Lt. Anderson went against an agreement they made prior to their dissolution regarding Lt. Anderson applying for City Chief. When they were together, they agreed that he would not put in for the position because it was for the city she was assigned to and she would then have to transfer to a different location. Deputy [REDACTED] had recently acquired the position of School Resource Officer, that she had been striving for. Approximately a week after she ended their relationship, Deputy [REDACTED] found out Lt. Anderson had put in for the City Chief position. Deputy [REDACTED] contacted Lt. Anderson to ask him about it and he told her he'd be happy to pull his memo back. Deputy [REDACTED] responded by telling him that was a good idea, to which he replied "You don't want to be with me, so why"? About a week after their conversation, Lt. Anderson pulled his memo, retracting his interest in the City Chief position.

Deputy [REDACTED] stated there was never any force or violence in their relationship. Her concerns are his erratic, unstable behavior that he is now displaying (being in her home without permission), and if he does return to work he has access to "InTime" and will be able to obtain her work or training location, as well as her work schedule, knowing when she will not be home and could trespass on her property again. She said she believed he informed Sheriff Department Criminal Investigations that he knew she would not be home the day he was in her house because he had checked "InTime". Deputy [REDACTED] said she is in fear for her safety because he was in her home and due to his current instability.



On September 10, 2013 (prior to Lt. Anderson being in her home), Deputy [REDACTED] spoke to her Lieutenant, Lt. NewMyer, she was seeking advice on whether to file a complaint at work or a police report due to Lt. Anderson's constant attempts to contact her. She followed advice from peers to speak to Lt. NewMyer and request he talk to Lt. Anderson on a peer level to ask him to stop calling and texting her. Lt. NewMyer told Deputy [REDACTED] he would speak with Lt. Anderson. Lt. NewMyer followed up with Deputy [REDACTED] after he spoke with Lt. Anderson and told her he documented the situation.

Deputy [REDACTED] explained that after their break up (prior to November 20, 2013 incident), Lt. Anderson had shown up at the gym she attends during times she was working out even though they had differing work hours (odd he would go knowing she would be there). She said Lt. Anderson would call her friends and ask why she closed the door on him, and they would tell him she didn't want to see him. Deputy [REDACTED] does not fear for [REDACTED] safety and Lt. Anderson has not tried to contact [REDACTED].

Due to Deputy [REDACTED] statements, there are no findings or allegations of sexual or any type of work related harassment.



District Attorney Letter



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TONY RACKAUCKAS, DISTRICT ATTORNEY

JIM TANIZAKI
SENIOR ASSISTANT D.A.
VERTICAL PROSECUTIONS/
VIOLENT CRIMES

MARY ANNE MCCAULEY
SENIOR ASSISTANT D.A.
BRANCH COURT OPERATIONS

JOSEPH D'AGOSTINO
SENIOR ASSISTANT D.A.
GENERAL FELONIES/
ECONOMIC CRIMES

MICHAEL LUBINSKI
SENIOR ASSISTANT D.A.
SPECIAL PROJECTS

JEFF MCLAUGHLIN
CHIEF
BUREAU OF INVESTIGATION

LISA BOHAN - JOHNSTON
DIRECTOR
ADMINISTRATIVE SERVICES

SUSAN KANG SCHROEDER
CHIEF OF STAFF

January 8, 2014

Sheriff Sandra Hutchens
Orange County Sheriff's Department
550 N. Flower Street
Santa Ana, CA 92703

RE: Lt. Michael Anderson

Dear Sheriff Hutchens:

Our office is conducting a legal review and investigation into an allegation of aggravated trespass in violation of Penal Code § 602.5 involving the above named officer. In the course of this review, pursuant to Penal Code § 832.7(a), we are requesting access to the officer's personnel files and all other administrative files pertaining to him.

We are specifically requesting that you not include any ordered and/or compelled statements pursuant to any administrative investigation. Please excise any material that may have been derived from any ordered and/or compelled interview.

District Attorney's Supervising Investigator Mark Gutierrez of our office will be in contact with your department to arrange a convenient time to view the files. Should there be any questions or problems, please do not hesitate to contact me at (714) 347-8627.

Sincerely,

Robert Mestman
Sr. Deputy District Attorney
Special Prosecutions Unit

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: www.OrangeCounty.DA.com

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3800

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92631
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 866-7201

HARBOR OFFICE
4801 JAMBORÉE RD.
NEWPORT BEACH, CA 92660
(949) 475-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 835-7824

CENTRAL OFFICE
401 CIVIC CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3852

OCSD ELETE.NET [Vision]



OFFICE OF THE
DISTRICT ATTORNEY
 ORANGE COUNTY, CALIFORNIA
TONY RACKAUCKAS, DISTRICT ATTORNEY

JANUARY 17, 2014

MICHAEL ANDERSON
 [REDACTED]

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE

JAN 17 2014

ALAN CARLSON, Clerk of the Court

BY: C. DOAN, DEPUTY

NOTICE OF COMPLAINT FILED

JIM TANIZAKI
 SENIOR ASSISTANT D.A.
 VERTICAL PROSECUTIONS/
 VIOLENT CRIMES

MICHAEL LUBINSKI
 SENIOR ASSISTANT D.A.
 SPECIAL PROJECTS

MARY ANNE MCCAULEY
 SENIOR ASSISTANT D.A.
 BRANCH COURT OPERATION

JOSEPH D'AGOSTINO
 SENIOR ASSISTANT D.A.
 FELONIES/ECONOMIC CRIMES

JEFF MCLAUGHLIN
 CHIEF BUREAU OF INVESTIGATION

LISA BOHAN-JOHNSTON
 DIRECTOR OF
 ADMINISTRATIVE SERVICES

SUSAN KANG SCHROEDER
 CHIEF OF STAFF

A complaint was filed in the Harbor Justice Center (Newport Beach Facility) charging that on or about 11-20-2013 you committed a violation of section(s)

602.5(b) PC AGGRAVATED TRESPASS OF DWELLING

To enter a plea of guilty or not guilty of said charges, you are hereby notified to appear on 02-10-2014 at 08:30 AM, in below:

HARBOR JUSTICE CENTER (NEWPORT BEACH FACILITY) - NEWPORT BEACH FACILITY
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

If you failed to appear at said time and place, a warrant may be issued for your arrest.

RE: 14H00461

MAIN OFFICE
 400 CIVIC CENTER DR. W.
 P.O. BOX 300
 SANTA ANA, CA 92701
 (714) 834-3000

NORTH OFFICE
 1275 N. BERKELEY AVE.
 FULLERTON, CA 92631
 (714) 773-6400

WEST OFFICE
 8145 13TH STREET
 WESTMINSTER, CA 92683
 (714) 836-7261

HARBOR OFFICE
 4601 JAMBOREE RD.
 NEWPORT BEACH, CA 92660
 (949) 476-4650

JUVENILE OFFICE
 341 THE CITY DRIVE SOUTH
 ORANGE, CA 92660
 (714) 935-7624

CENTRAL OFFICE
 700 CIVIC CENTER DR. W.
 P.O. BOX 300
 SANTA ANA, CA 92701
 (714) 834-3600

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ORANGE, HARBOR JUSTICE CENTER
3 NEWPORT BEACH FACILITY

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

01/17/2014
11:13 AM

ALAN CARLSON, Clerk of the Court
[REDACTED]

6 THE PEOPLE OF THE STATE OF CALIFORNIA,) COMPLAINT
7)

8 Plaintiff,)
9)

10 vs.)

No.)

11 MICHAEL ANDERSON)

OCSO 13-226960)

12 Defendant(s))

13 The Orange County District Attorney charges that in Orange
14 County, California, the law was violated as follows:

15 COUNT 1: On or about November 20, 2013, in violation of Section
16 602.5(b) of the Penal Code (AGGRAVATED TRESPASS OF DWELLING), a
17 MISDEMEANOR, MICHAEL ANDERSON did unlawfully enter and remain
18 in a noncommercial dwelling house, apartment, and other
19 residential place without the consent of Jane Doe, the owner,
20 while Jane Doe, a resident and person authorized to be in the
dwelling, was present.

21 I declare under penalty of perjury, on information and belief,
22 that the foregoing is true and correct.

23 Dated 01-17-2014 at Orange County, California.

RM/TA [REDACTED]

25 TONY RACKAUCKAS, DISTRICT ATTORNEY

26 by: /s/ ROBERT MESTMAN

27 ROBERT MESTMAN, Deputy District Attorney

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RESTITUTION CLAIMED

- None
- \$ _____
- To be determined

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

Case Summary

Case Number: [REDACTED]

OC Pay Number: 7941895

Originating Court: Harbor - Newport Beach Facility

Defendant: Anderson, Michael

Register of Actions:

Date Action	Seq Nbr	Docket Code	Text
01/17/2014	1	FLDOC	Original Complaint filed on 01/17/2014 by Orange County District Attorney.
	2	FLNAM	Name filed: Anderson, Michael
	3	FLCNT	MISDEMEANOR charge of 602.5(b) PC filed as count 1. Date of violation: 11/20/2013.
	4	FI959	Accusatory pleading filed by the prosecutor pursuant to Penal Code section 959.1.
	5	FIFCI	Arraignment Letter filed.
01/21/2014	1	CLADD	Case calendared on 02/10/14 at 08:30 AM in H8 for ARGN.
02/10/2014	1	HHELD	Hearing held on 02/10/2014 at 08:30:00 AM in Department H8 for Arraignment.
	2	OFJUD	Judicial Officer: Brett London, Judge
	3	OFJA	Clerk: P. L. Metoyer
	4	OFBAL	Bailiff: C. T. Kerr
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Robert Mestman, Deputy District Attorney, present.
	7	APDPP	Defendant present in Court in propria persona.
	8	DFCSR2	Defendant provided a copy of the Advisement of Rights, form #1039, revision date October 2009, by the Court.
	9	ADVISE	Defendant advised of the following:
	10	ADRTA	- The right to an Attorney.
	11	ADCAP	- The right to court appointed counsel if financially unable to retain counsel.
	12	ADRRS	- The right to represent himself.
	13	ADJCT	- The right to a trial by Court or Jury.
	14	ADCXW	- The right to confront and cross-examine witnesses.
	15	ADRTT	- The right not to testify, be called as a witness, or admit guilt.
	16	ADTCP	- The right to use the court process to compel the appearance of witnesses and subpoena documents.
	17	ADCZS	Defendant advised of the possible consequences of plea affecting deportation and citizenship.
	18	CLRAT	Defendant is requesting time to retain counsel. Case continued for Arraignment to 03/13/2014 at 08:30 AM in Department H8.
	19	WRAT	Defendant waives the right to be arraigned today.
	20	FIDVO	Protective order signed, served and filed.
	21	DONOC	Do not have any contact with the person(s) named in the protective order directly, indirectly, or through a third party except an attorney of record.
	22	DOYRD	Do not go within 100 yards of person(s) named in the Protective Order.
	23	DFCPP	Defendant provided with a copy of "Power of Attorney for Firearms Relinquishment, Sale, or Disposal - Declaration" pursuant to Penal Code 29810.
	24	DOCTO	Comply with all terms of Protective Order.
	25	DOJFAQ	Department of Justice Firearms Prohibited qualifier updated.
	26	FITXT	Declaration in Support of Probable Cause to Issue Protective Order filed.
	27	DOPOS	Court orders the protective order sealed pursuant to Penal Code section 293.

28	DFOTR	Defendant ordered to return.
29	DSROR	Court orders defendant released on own recognizance.
30	FISOR	Agreement for Release on Own Recognizance signed and filed.
31	DOPOF	Protective Order faxed to Protective Order Registry.
32	DOORG	Protective Order entered in the Protective Order Registry.

OCSD Policy and Procedures

Rules of Conduct - General

1018.1 STANDARD OF CONDUCT

- (a) Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the department.
- (b) Commissioned officers will conform with the Code of Professional Conduct and Responsibilities for Peace Officers (Policy 1001).

1018.2 LOYALTY

Members shall maintain such loyalty to the department and their associates as is consistent with their oath of office and personal and professional ethics. Loyalty to the department and to associates is an important factor in departmental morale and efficiency.

1018.3 COOPERATION

Members shall establish and maintain a high spirit of cooperation within the department and with other agencies. Cooperation between the ranks and units of the department and between the department and other law enforcement agencies is essential to effective law enforcement.

1018.4 INSUBORDINATION

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

1018.5 PERFORMANCE OF DUTY

Members shall perform their duties as required or directed by law, department rules/regulations, procedures, policies, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

1018.6 OBEDIENCE TO LAWS AND REGULATIONS

- (a) Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the department and all orders of the department or commands thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule/regulation, procedure or policy in question.
- (b) Employees are to report to their immediate supervisor within 24 hours any arrest, incident, or allegation of criminal or other misconduct, which could result in the employee being criminally prosecuted. All allegations of criminal and other misconduct will be immediately documented by the supervisor in memo form to his/her Command Commander/Director.
- (c) Employees authorized to carry a handgun, on duty or off duty, must immediately notify their Command Commander if they have been convicted of any domestic violence offense. Defined: "Any use or attempted use of physical force committed against a current or former spouse, parent or person similarly situated."
- (d) Employees authorized to carry a handgun, on duty or off duty, must immediately notify their Command Commander if they are currently the subject of a court restraining order, which is based upon threats of violence.

Orange County Sheriff-Coroner Department

Policy Manual

Rules of Conduct - General

- (b) Members shall not feign illness or injury or deceive a superior as to the member's health condition.

1018.33 INCURRING LIABILITY

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the department, the Sheriff-Coroner, or the County.

1018.34 PATRIOTIC COURTESY

To the flag:

- On the approach of the American Flag or during flag ceremonies, members shall stand, face the flag and come to attention. If in uniform and covered, they shall render a hand salute and maintain the salute until the flag has passed. Members uncovered or in civilian dress shall place their right hand over their left breast.

The national anthem:

- When the national anthem is played, members in uniform shall face the source, stand at attention and, if covered, render a hand salute. They shall maintain the salute until the conclusion of the national anthem. Members uncovered or members in civilian dress shall place their right hand over their left breast.

Funerals:

- When a funeral procession for a department member or other person to whom national and/or local recognition is given approaches, members in uniform shall come to attention and render a hand salute. They shall maintain the salute until the procession passes. While passing a casket to view the remains at a funeral, they shall place their cap over their left breast.

1018.35 USE OF ALCOHOL

- (a) Members of the department shall not report for or be on duty while under the influence of an alcoholic beverage or drugs or be unable to effectively carry out their duties and responsibilities because of their use. The odor of an alcoholic beverage on the breath or person will be considered presumptive evidence of a violation of this section. No member shall drink any alcoholic beverage while on duty except when necessarily consumed in the line of duty.
- (b) Members, on or off duty, will not display uniform insignia or badges during the purchase of alcoholic beverages.
- (c) Members shall not drive a county vehicle while under the influence of alcohol or drugs (other than prescription drugs at recommended levels that do not impair the operation of a motor vehicle).

1018.36 INTOXICANTS ON DEPARTMENTAL PREMISES

Alcoholic beverages shall not be brought onto departmental premises except in furtherance of a law enforcement task or department approved activity.

MOU for Administrative Management Unit

MEMORANDUM OF UNDERSTANDING
2007 - 2011
COUNTY OF ORANGE
AND
THE ORANGE COUNTY MANAGERS ASSOCIATION
FOR THE
ADMINISTRATIVE MANAGEMENT UNIT

This Memorandum of Understanding sets forth the terms of agreement reached between the County of Orange and the Orange County Managers Association as the Exclusively Recognized Employee Organization for the Administrative Management Unit for the period beginning February 1, 2007 through January 29, 2010 and extended through January 3, 2011.

APPENDIX A – JOB TITLES

8011MA	ADMINISTRATIVE MANAGER I
8012MA	ADMINISTRATIVE MANAGER II
8013MA	ADMINISTRATIVE MANAGER III
8014MA	ADMINISTRATIVE MANAGER III (SPL)
8011MP	ADMINISTRATIVE MANAGER I (Probation Management)
8012MP	ADMINISTRATIVE MANAGER II (Probation Management)
8013MP	ADMINISTRATIVE MANAGER III (Probation Management)

ARTICLE IX DISCIPLINARY ACTION

No regular, limited-term, or probationary employee shall receive a disciplinary action except for reasonable cause.

Section 1. Pre-Disciplinary Hearing for Suspension, Reduction, or Discharge

- A. In suspending an employee or in reducing a regular, limited-term, or probationary employee for reasons of unsatisfactory performance or physical disability, or in discharging a regular or limited-term regular employee, a written notice of such proposed disciplinary action shall be served on the employee personally, or by certified mail, at least ten (10) calendar days prior to the effective date of the proposed action. Such written notice shall contain:
1. a description of the proposed action and its effective date(s);
 2. a statement of the reasons for such proposed action, including the acts or omissions on which the proposed action is based;
 3. copies of material on which the proposed action is based;
 4. a statement of the employee's right to respond, either orally or in writing, prior to the effective date of such proposed action;
 5. a statement of the employee's right to representation;
 6. a statement of the employee's right to appeal should such proposed action become final.
- B. Prior to the effective date of such suspension, reduction, or discharge, an employee will be given an opportunity to respond, either orally or in writing, at the employee's option, to a designated agency/department representative with the authority to make an effective recommendation on the proposed disciplinary action.
- C. An employee shall be given reasonable time off without loss of pay to attend a hearing pursuant to this Article.
- D. An employee may represent himself or herself or may be represented by the recognized employee organization in a hearing pursuant to this Article.
- E. An employee shall receive written notice either sustaining, modifying, or canceling the proposed disciplinary action on or prior to the effective date of such action.
- F. Should a proposed reduction or suspension become final, an employee shall have the right to appeal such action pursuant to Sections 2. and 3. of this Article.
- G. Should a proposed discharge become final, an employee shall have the right to appeal such action pursuant to Section 4 of this Article.

Section 2. Suspension

- A. No regular, limited-term, or probationary employee shall be suspended except for reasonable cause.
- B. A written notice of such suspension stating specifically the cause of the suspension shall be given to the employee.
- C. In accordance with the provisions of Article X, an appeal of suspension shall be initiated at Step 2 of the grievance/appeal procedure, except for suspensions imposed by the County Executive Officer, which may be referred directly to arbitration.
- D. No regular, limited-term, or probationary employee shall be suspended for less than 5 days (40 hours) except for a serious safety violation.

Section 3. Reduction

- A. No regular employee or limited-term regular employee shall be reduced to a position in a lower class for reasons of unsatisfactory performance or physical disability except for reasonable cause.
- B. A written notice of such reduction stating specifically the cause of the reduction shall be given to the employee.
- C. In accordance with the provisions of Article X, an appeal of reduction for reasons of unsatisfactory performance or physical disability shall be initiated at Step 2 of the grievance/appeal procedure, except for reductions imposed by the County Executive Officer which may be referred directly to arbitration.

Section 4. Discharge and Right of Appeal

- A. No regular or limited-term regular employee shall be discharged except for reasonable cause. No proposed discharge shall be affected unless approved by the Human Resources Director except for discharges imposed by the County Executive Officer.
- B. A written notice of such discharge stating specifically the cause of the discharge shall be given to the employee.
- C. A discharge may be appealed to advisory arbitration pursuant to Article X, Section 8. B. or to remedies provided in Article X, Section 9.

ARTICLE X GRIEVANCE PROCEDURE AND DISCIPLINARY APPEALS

Section 1. Scope of Grievances

- A. A grievance may be filed if a County interpretation or application of the provisions of this Memorandum of Understanding adversely affects an employee's wages, hours, or conditions of employment.
- B. Specifically excluded from the scope of grievances are:
 - 1. subjects involving the amendment or change of Board of Supervisors resolutions, ordinances, minute orders, which do not incorporate the provisions of this Memorandum of Understanding;
 - 2. matters which have other means of appeal including, but not limited to, matters which may be appealed through the Orange County Merit System Selection Rules and Appeals Procedure or the Workers' Compensation Appeals Board;
 - 3. position classification;
 - 4. performance evaluations with a standard rating or the equivalent.

Section 2. Basic Rules

- A. If an employee does not present a grievance/appeal or does not appeal the decision rendered regarding his or her grievance/appeal within the time limits, the grievance/appeal shall be considered resolved.
- B. If a County representative does not render a decision to the employee within the time limits, the employee may within seven (7) calendar days thereafter appeal to the next step in the procedure.
- C. If it is the judgment of any County representative that he or she does not have the authority to resolve the grievance/appeal, he or she may refer it to the next step in the procedure. By mutual agreement of the County and the employee or the recognized employee organization any step of the procedure may be waived.
- D. The Human Resources Director may temporarily suspend grievance/appeal processing on a section-wide, unit-wide, division-wide, Agency/Department-wide or Countywide basis in an emergency situation. The recognized employee organization may appeal this decision to the Board of Supervisors.
- E. Upon written consent of the parties, i.e., the representatives of the County and the employee or his or her representative, the time limits at any step in the procedure may be extended.
- F. Every reasonable effort shall be made by the employee and the County to resolve a grievance/appeal at the lowest possible step in the grievance/appeal procedure.

- G. No claim shall be granted for retroactive adjustment of any grievance prior to sixty (60) calendar days from the date of filing the written grievance.

Section 3. Submission of Grievances

- A. Any employee or group of employees shall have the right to present a grievance. No employee or group of employees shall be hindered from or disciplined for exercising this right.
- B. If any two (2) or more employees have essentially the same grievance, they may, and if requested by the County must, collectively present and pursue their grievance if they report to the same immediate supervisor.
- C. If the grievant is a group of more than three (3) employees, the group shall, at the request of the County, appoint one (1) or two (2) employees to speak for the collective group.

Section 4. Employee Representation

An employee may represent himself or herself or may be represented by an agent of OCMA in the formal grievance/appeal procedure. If an employee chooses not to be represented by OCMA, OCMA may have a representative present during the grievance/appeal procedure and/or arbitration and, if necessary, shall have the right to present OCMA's interpretation of provisions of this Agreement at issue. Such presentation shall not include the merits of the grievance. The decision of the arbitrator in such case shall not be precedent setting and shall not be admissible in any subsequent dispute between the County and OCMA.

Section 5. Time Off for Processing Grievances/Appeals

- A. Reasonable time off without loss of pay shall be given to:
1. An employee who has a grievance/appeal, in order to attend a meeting with his or her supervisor or other person with authority under the grievance/appeal procedure to resolve the matter, or to meet with his or her grievance/appeal representative.
 2. An employee grievance/appeal representative, in order to attend a meeting with the represented grievant's/appellant's supervisor or other person with authority under the grievance/appeal procedure to resolve the grievance/appeal, or to obtain facts concerning the action grieved/appealed through discussion with the grievant/appellant or other employees, or through examination of appropriate County records or locations relating to the grievance/appeal.
- B. The following restrictions shall apply in all cases to activity authorized in Section 5.A., above:

1. Before performing grievance/appeal work, the grievant/appellant or employee grievance/appeal representative shall obtain permission of his or her supervisor and shall report back to the supervisor when the grievance/appeal work is completed.
2. Neither the grievant/appellant nor the employee grievance/appeal representative shall interrupt or leave his or her job to perform grievance/appeal work if his or her supervisor determines that such interruption or absence will unduly interfere with the work of the unit in which the grievant/appellant or employee representative is employed. However, an effort will be made to grant such time off as soon as it is feasible to do so.
3. When an employee grievance/appeal representative must go into another section or unit to investigate a grievance/appeal, the employee representative shall be permitted to do so provided that:
 - a. the employee representative checks in and checks out with the supervisor of the unit; and
 - b. such investigation does not unduly interfere with the work of the unit.

Section 6. Informal Discussion

If an employee has a problem relating to a work situation, the employee is encouraged to request a meeting with his or her immediate supervisor to discuss the problem in an effort to clarify the issue and to work cooperatively towards settlement.

Section 7. Grievance/Appeal Steps

The grievance/appeal procedure shall consist of the following steps, each of which must be completed prior to any request for further consideration of the matter unless waived by mutual consent or as otherwise provided herein.

Step 1: Agency/Department Head

An employee may formally submit a grievance to the Agency/Department Head within fourteen (14) calendar days from the occurrence which gives rise to the problem. Such submission shall be in writing and shall state the nature of the grievance and suggested solution. Within seven (7) calendar days after the receipt of the written grievance, the Agency/Department Head or his or her representative(s) shall meet with the grievant. Within seven (7) calendar days thereafter, a written decision shall be given to the grievant.

Step 2: Human Resources Director

If the grievance/appeal is not settled under Step 1 and it concerns:

- a) an interpretation or an application of this Memorandum of Understanding;

- b) a written reprimand; or
- c) a probationary release alleging discrimination,

it may be appealed in writing to the Human Resources Director within seven (7) calendar days after receipt of the written decision from Step 1. Appeal of a suspension and/or a reduction ordered by an Agency/Department Head or his or her designated representative may be submitted in writing at Step 2 within ten (10) calendar days after receipt of the notice of suspension and/or reduction. Within fourteen (14) calendar days after receipt of the written grievance/appeal, the Human Resources Director or his or her representative shall meet with the grievant/appellant. Within fourteen (14) calendar days thereafter, a written decision shall be given to the grievant/appellant. The decision of the Human Resources Director in B., above shall be final and binding and shall not be referable to higher County authority or arbitration.

Section 8. Referrals to Arbitration

A. Interpretation/Application of MOU Language

If a grievance is not resolved under Step 2, an arbitration request may be presented in writing to the Human Resources Director within seven (7) calendar days from the date a decision was rendered at Step 2. As soon as practicable thereafter, or as otherwise agreed to by the parties, an arbitrator shall hear the grievance.

The parties shall either sign a joint issue submission statement or else execute and sign separate alternative issue statements after discussing the issue(s). In either case, the parties shall send copies of their joint or separate submission statement(s) to each other within fourteen (14) calendar days before the first scheduled date of the arbitration hearing.

B. Appeals of Suspensions/Reductions

1. Submission Procedure

- a. If an appeal from suspension or reduction is not settled at Step 2, a request for arbitration may be presented to the Human Resources Director within seven (7) calendar days from the date the decision was rendered.
- b. An appeal from any suspension or reduction imposed by the County Executive Officer may be presented to the Human Resources Director within ten (10) calendar days from the date the action becomes final.
- c. All appeals shall be signed by an employee or by a representative of OCMA and shall be submitted in writing.
- d. The issue in all appeals of suspensions/reductions shall be:

Was (employee's name) suspended/reduced for reasonable cause? If not, what is the remedy?

- e. As soon as practicable after a suspension/ reduction appeal is presented to the Human Resources Director, an arbitrator shall hear the appeal.

2. Findings of Facts and Remedies

An arbitrator may sustain, rescind, or modify an appealed disciplinary action as follows and subject to the following restrictions:

- a. If the arbitrator finds that the suspension/reduction was taken for reasonable cause, he or she shall sustain the action.
- b. If the action is modified or rescinded, the appellant shall be entitled to restoration of pay and/or fringe benefits in a manner consistent with the arbitrator's decision.
- c. The decision of the arbitrator in matters of suspension/reduction shall be binding on all parties.

C. Appeals of Discharges

1. Submission Procedure

- a. A discharge may be appealed directly to arbitration within ten (10) calendar days from the date the decision was rendered.
- b. All appeals shall be signed by an employee or by a representative of OCMA and shall be submitted in writing.
- c. The issue in all appeals of discharge shall be:

Was (employee's name) discharged for reasonable cause? If not, what is the remedy?

- d. As soon as practicable after a discharge appeal is presented to the Human Resources Director, an arbitrator shall hear the appeal.
- e. The arbitrator shall advise that the order of discharge be sustained, modified, or rescinded.
- f. The decision of the arbitrator in matters of discharge shall be advisory and non-binding.

D. Probationary Releases Alleging Discrimination

1. The issue to be submitted to the arbitrator in grievances filed pursuant to Article II, Section 1.C.3, shall be as follows and shall be submitted consistent with Section 8.A., above.
 - a. Was the probationary release of (employee's name) in whole or in part the result of unlawful discrimination by the County?
 - b. If so, what shall the remedy be under Article X Section 8.A of this Memorandum of Understanding?
2. Findings of Facts and Remedies
 - a. In the event the arbitrator finds no unlawful discrimination, the grievance shall be denied and the issue of remedy becomes moot.
 - b. In the event the arbitrator finds unlawful discrimination, but also finds such violation was not a substantial cause of the employee's probationary release, the grievance shall be denied and the issue of remedy becomes moot.
 - c. In the event the arbitrator finds unlawful discrimination, and also finds that the discrimination was a substantial cause of the probationary release of the employee, the arbitrator's award shall depend upon the significance of the violation and shall be in keeping with the following alternatives:
 - 1) The probationary release may be sustained.
 - 2) The employee may be reinstated in a position in his or her former class subject to forfeiture of pay and fringe benefits for all or a portion of the period of time the employee was removed from duty. The employee may be required to serve the remainder of any outstanding probation period.
 - 3) The employee may be reinstated in a position in his or her former class with full back pay and benefits for all of the period of time the employee was removed from duty. The employee may be required to serve the remainder of any outstanding probation period.
 - d. The decision of the arbitrator in matters of probationary releases alleging discrimination shall be binding on all parties.

E. General Provisions

1. The cost of an arbitrator shall be shared equally in all cases by the County and the appealing party except in matters of discharge and when the appealing party solely alleges unlawful discrimination, in which case the County shall bear the full cost. When the grievance involves both discrimination and other arbitral issues, the proper division of costs shall be determined by the arbitrator.
2. Grievance/Appeal hearings by an arbitrator shall be private.
3. The arbitrator shall be selected by the mutual agreement of the parties. If the parties cannot agree upon an arbitrator, a list of seven (7) arbitrators shall be obtained from the California State Conciliation Service, the American Arbitration Association or some other agreed upon source, and each party shall alternately strike one (1) name from the list until only one (1) name remains.
4. Upon written request by the opposing party in a pending hearing given at least twenty (20) calendar days prior to the scheduled hearing date, the party requested shall supply to the party submitting the request copies of all documentary evidence to be used by that party at the hearing. Such evidence shall be provided no later than ten (10) calendar days prior to the scheduled hearing date. Any evidence not so provided may not be admitted or offered as evidence at the subsequent hearing except that any such documentary evidence discovered by a party after such a request for copies but not soon enough to comply with the above time limits may be admitted providing it could not have been discovered sooner by reasonable means and provided further that a copy or copies of such evidence be afforded the requesting party as soon as practicable after such discovery. Nothing contained herein shall operate to prevent either party from presenting additional documents by way of rebuttal.
5. An employee shall not suffer loss of pay for time spent as a witness at an arbitration hearing held pursuant to this procedure. The number of witnesses requested to attend, and their scheduling, shall be reasonable.
6. At the hearing, both the appealing employee and the County shall have the right to be heard and to present evidence. The following rules shall apply:
 - a. Oral evidence shall be taken only on oath or affirmation.
 - b. Each party shall have these rights: to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination, to impeach any witness regardless of which party first called the witness to testify, and to rebut the evidence against the witness. If the employee does not testify in his or her own behalf, the employee may be called and examined as if under cross-examination.

7. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might have made improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.
8. The County shall be allowed to have one (1) employee, who may be called upon to testify as a witness, present at the arbitration hearing at all times.
9. The parties agree to forego the use of briefs and transcripts whenever practicable.
10. The decision of the arbitrator shall be binding on both parties except in matters of discharge. In matters of discharge the arbitrator's decision shall be advisory and non-binding.

Section 9. Court Action

Notwithstanding anything to the contrary in this Article, a discharged employee shall have the right at his/her option, to file an action in a court of competent jurisdiction. Prior to filing such action the employee must exhaust the steps of the grievance procedure set forth in Sections 6. and 7. of this Article. The employee may then elect to appeal the discharge to advisory arbitration or file a lawsuit. In any such action, the employee shall have the right to pursue any claims he/she might have under statutory or common law, and shall not be limited to an action for breach of contract. The County agrees that it will not assert that the employee failed to exhaust his/her contractual remedies. If an employee elects to file suit, the action shall be subject to the applicable statute of limitations.

Disciplinary Policy

340.1 DISCIPLINE DEFINED

Discipline, as discussed in this chapter, is any formal corrective action taken by the department toward any member who violates any departmental policy, rule, regulation or statute. Pre-disciplinary measures, including counseling memos, deficiency notices and performance expectation memos, may be used as preliminary corrective actions in appropriate cases.

340.1.1 DATE POLICY APPROVED OR REVISED

Revised: June 9, 2010

340.2 TYPES OF DISCIPLINARY ACTION

- (a) Subject to the provisions of the Personnel and Salary Resolution for the County of Orange, and the member's appropriate MOU, the following are approved disciplinary actions within the department:
 - 1. Written Reprimand - A reprimand reduced to writing, signed by the employee, and made a part of the member's personnel file.
 - 2. Suspension: A relief from duty without pay.
 - 3. Demotion: A reduction to a position of lower class or rank.
 - 4. Dismissal: A termination of employment.
- (b) The type of disciplinary action chosen shall be appropriate to the seriousness of the violation.

340.3 AUTHORITY TO DISCIPLINE

- (a) All departmental discipline must be approved by the appropriate Assistant Sheriff or Commander. Any supervisor, when appropriate, may administer an oral reprimand to subordinate personnel in their command. Any other type of disciplinary action may be recommended by a supervisor to their superior.
- (b) Division Commanders are authorized to issue written reprimands for performance deficiencies within the following guidelines:
 - 1. Divisional reprimands must be properly documented in writing.
 - 2. Divisional reprimands may not be issued in any case where the employee must be interviewed, or required to provide written documentation, to determine if the alleged act or inaction occurred. Such situations are referred through channels for Internal Investigations.
- (c) Procedure for the issuance of a Commandal Reprimand:
 - 1. The Command Commander will first submit copies of all supportive documents, appropriate memorandum from supervisors, a brief summary of cause for the action, and a draft reprimand, to their Assistant Sheriff.
 - 2. With preliminary approval of an Assistant Sheriff, the package will be forwarded to the Professional Standards Command. Professional Standards Command staff will review all material for compliance with rules and regulations and

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the applicable Memorandum of Understanding. The final draft will be typed by Professional Standards Command staff and advisement of employee's rights added. The completed package will be forwarded through the affected employee's Assistant Sheriff for approval, then returned to the Command Commander for necessary action.

3. All written reprimands will be signed by the Command Commander and acknowledged by the affected employee (signature, or "refused to sign," with date).
4. The original written reprimand will be given to the employee. A signed copy will be placed in the package and returned to Professional Standards Command. The completed reprimand will be held and referenced in the employee personnel file.
5. Retention will be in accordance with department policy: Citizen complaints will be held a minimum of five years, and administrative initiated investigations will be held a minimum of two years. The employee's rights are guaranteed by the County Grievance Procedure.

340.3.1 EMERGENCY SUSPENSION FROM DUTY

In the absence of the Sheriff Coroner, the Undersheriff, the Assistant Sheriffs, Commanders, the Command Commander concerned or the Department Commander concerned, in that order, has the authority to impose an emergency suspension, with pay, from duty until the next business day, or such earlier time that such suspension can be reviewed by the Sheriff Coroner

340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial

Orange County Sheriff-Coroner Department

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gain or without the expressed authorization of the Sheriff or his/her designee may result in criminal prosecution and/or discipline under this policy (Penal Code § 146g).

- (j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- (l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
- (m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 COMPLAINTS AGAINST MEMBERS OF THE DEPARTMENT

- (a) Any employee receiving a citizen complaint regarding the misconduct of any other employee will make all attempts to resolve the complaint with the complainant during the initial conversation. If attempts to resolve the complaint are not successful, at least one of the following options must take place:
 - 1. Refer the complainant to a higher-ranking officer or to the Patrol Watch Commander.
 - 2. Document the complaint and forward the report to Internal Investigations.
 - 3. Refer the complainant directly to Internal Investigations if; the complainant refuses to speak with any other Department representative; if the complainant wants to speak directly to Internal Investigations; if the allegations appear criminal or serious in nature; or if all attempts have failed to resolve the complaint.
- (b) Any written report documenting complaints of misconduct will be in the form of an intra-department memo and will include steps taken to resolve the complaint.

340.3.4 INVESTIGATION OF COMPLAINTS

- (a) Upon receipt of a complaint alleging misconduct, the Sheriff Coroner shall direct the investigation of said complaint. Upon conclusion of the investigation one of the following findings shall be made by the Sheriff Coroner and stated in the report. The member will be advised of the disposition.
 - 1. **Unfounded:** Investigation indicates that the act or acts complained of did not occur or involve department personnel.
 - 2. **Exonerated:** Act or acts did occur but were justified, lawful or proper.
 - 3. **Not Involved:** Investigation establishes that the member was not involved in the alleged incident.
 - 4. **Not Sustained:** Investigation fails to discover sufficient evidence to clearly prove or disprove misconduct on the part of the member.
 - 5. **Sustained:** Investigation discloses sufficient evidence to clearly prove misconduct on the part of the member.
- (b) Such reports and findings shall be maintained in a confidential file, accessible only to the Sheriff Coroner and persons authorized by him, or through legal process.

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340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person(s).
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with and be responsible for compliance with each of the above and the Department shall make each available to the employees.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

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- (r) Substantiated, active, continuing association with or membership in organized crime and/or criminal syndicates with knowledge thereof, except as specifically directed and authorized by the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on department premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.
- (y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.4 POST INVESTIGATION PROCEDURES

340.4.1 RESPONSIBILITIES OF THE SHERIFF

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.

The Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Sheriff shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or 3508.1):

Orange County Sheriff-Coroner Department

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- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the Skelly notice.
 - 1. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.
 - 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.



**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

P.I. #13-141 (Anderson)

MIRANDA WARNING / LYBARGER ADMONISHMENT

Due to the nature of this administrative investigation, Government Code Section 3303(h) requires me to advise you of your rights. Therefore it is important that you understand that criminally:

- *You have the right to remain silent. (Do you understand?)*
- *Anything you say may be used against you in court. (Do you understand?)*
- *You have the right to an attorney before and during any questioning. (Do you understand?)*
- *If you cannot afford an attorney, one will be appointed for you before questioning. (Do you understand?)*

MIRANDA WAIVER

Waiver: With these rights in mind, would you like to speak to me?

YES

NO

I have read and acknowledge the above admonition and fully understand my Constitutional/Miranda Rights.

Employee Initials (MA)

LYBARGER WARNING

Michael Anderson, because you have chosen to invoke your rights under Miranda, and according to the Lybarger v- Los Angeles decision, I must advise you that the interview at this point will be administrative, and no part of this interview or information that is derived from this interview may be used in a criminal investigation. However, at the same time, since this is administrative, I must remind you that you must answer the questions and, should you refuse to answer any of the questions, that at some future date you may be charged with insubordination.

I have read and acknowledged the above Lybarger warning. I fully understand I am being compelled to answer any and all questions. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Initials (MA)

Employee Name

2-6-14

Date

Sergeant/Investigator

2-6-14

Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834-5100

*Integrity without compromise, Service above self, Professionalism in the performance of duty,
Vigilance in safeguarding our community*



**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

P.I. #13-141 (Anderson)

CONFIDENTIALITY DIRECTIVE

Michael Anderson, you are hereby ordered not to discuss this case (or any case in which you are a witness or a principal), using any form of communication, with anyone other than your employee representative, Internal Affairs Sergeants or specific parties that may be designated by Internal Affairs.

For the purpose of this directive, the Internal Affairs Sergeant presenting this directive is your superior officer. Any violation of this directive may be considered a violation of Orange County Sheriff-Coroner Department Policy 1018.4 and subject you to possible discipline, up to and including dismissal.

OCSD Policy 1018.4 Insubordination

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

I have read and acknowledged the above admonition. I fully understand that I am required to make full, complete and truthful statements. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.



Employee Signature



Date



Sergeant Signature



Date



**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

P.I. #13-141 (Anderson)

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

You are being advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code 3300-3311. Your rights include:

- 3303(b) You have the right to know who will be conducting the interview**
- 3303(c) You have the right to know the nature of the investigation prior to the interview**
- 3303(i) You have the right to have a representative of your choice present during the interview**
- 3303(g) You have the right to record this interview with your own recorder**
- 3303(g) Should it become necessary to interview you a second time reference this investigation, a copy of this interview will be made available to you prior to the second interview.**

I have read and acknowledged the above advisement. I fully understand the above listed rights will be afforded me during this interview.



Employee Signature

2.6.14

Date



Sergeant Signature

2-6-14

Date



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

PI# 13-141

INTERVIEW ADMONISHMENT – WITNESS

CONFIDENTIALITY DIRECTIVE

Deputy [REDACTED] you are hereby ordered not to discuss this case (or any case in which you are a witness or a principal), using any form of communication, with anyone other than your employee representative, Internal Affairs Investigators or specific parties that may be designated by Internal Affairs.

For the purpose of this directive, the Internal Affairs Investigator presenting this directive is your superior officer. Any violation of this directive may be considered a violation of Orange County Sheriff-Coroner Department Policy 1018.4 and subject you to possible discipline, up to and including dismissal.

OCSD Policy 1018.4 Insubordination

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

I have read and acknowledged the above admonition. I fully understand that I am required to make full, complete and truthful statements. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Initials [REDACTED]

[REDACTED]

1-27-14
Date

[Signature]
Sergeants Name

1-27-14
Date

320 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 834-5100

*Integrity without compromise. Service above self. Professionalism in the performance of duty.
Vigilance in safeguarding our community*

CASE # <u>13-141</u>	ORANGE COUNTY SHERIFF'S DEPARTMENT Santa Ana, California	POBR DEADLINE DATE <u>11/20/14</u>
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PERSONNEL INVESTIGATION & TRACKING CHECKLIST

The investigation for the above-referenced case is now complete and ready for assessment.

Distributed by PSD to: Music Facility Date: 3/16/14
DIVISION

Within your Division, please assess the file from the perspective of individual accountability as well as training, policy, and systems issues.

- PSD supervisors have reviewed the case. You should consider them a potential resource for a variety of questions and concerns as you proceed.
- The Office of Independent Review (OIR) has also reviewed the case. Consultation with OIR should be part of the deliberative process.

DIVISIONAL TRACKING

Initial Review by: CAPT. M. KRUEGER Date: 3/5/14
LIEUTENANT OR MANAGER

Consultation with OIR: STEPHEN Connolly Date: 3/5/14
NAME

DIVISION REVIEW

Division Review by: CAPTAIN M. KRUEGER Date: 3/5/14
DIVISION COMMANDER

Disposition within Division Authority (Written Reprimand - 24 Hours)

- OR -

Recommended discipline exceeds Division Authority; Referred to: _____ on _____
COMMAND DATE

EXECUTIVE COMMAND REVIEW (If applicable)

Executive Command Review by: _____ Date: _____

PROCESSING

Turned to PSD for processing: _____
DATE

Employee Notification: _____
DATE

TES



Case Report by Principal - MICHAEL C. ANDERSON

Print Date: 11/21/2013

<u>Case Number</u>	<u>Incident Date</u>	<u>Issue Date</u>	<u>Complete Date</u>	<u>Complaint Description</u>	<u>Disposition</u>
PI13-141 A	11/20/2013	11/20/2013		Lt is allegedly a suspect in a Pending criminal trespassing incident at his ex girlfriends house.	

Total Cases per Principal: 1

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

COPY

TO: The Personnel File of MICHAEL C. ANDERSON

DATE: 5/28/2014

FROM: Captain Wayne Byerley, Professional Standards INTRA-DEPARTMENT MEMO

RE: PI#13-141A

Sustained: 3/10/2014

Reviewed by Assistant Sheriff Kea

If you have any questions regarding this investigation, please contact Sergeant Jarrett Kurimay in Professional Standards at (714) 834-5569.

WB:ch

To: Personnel Dept. & Employee Benefits



From: OCERS - Retirement Benefits

Subject: Notice of Retirement

Name: Michael C. Anderson

SSN: [REDACTED]

**Address: _____

List only if member is in Deferred Retirement status

Date of Retirement: 5/23/2014

Date of Birth: [REDACTED]

Separation Date: 5/22/2014

Agency: Sheriff/Safety

Type of Retirement: Service Retirement

ORANGE COUNTY SERVICE ONLY

	<u>YEARS</u>	<u>FROM</u>	<u>TO</u>
Current Orange County Service:	<u>13.86517</u>	<u>4/15/2000</u>	<u>5/22/2014</u>

Service Credit Purchases:

Extra Help:	_____	<u>/ /</u>	<u>/ /</u>
	_____	<u>/ /</u>	<u>/ /</u>
Med Leave/Work Comp:	_____	<u>/ /</u>	<u>/ /</u>
	_____	<u>/ /</u>	<u>/ /</u>
Public Service:	_____	<u>/ /</u>	<u>/ /</u>
	_____	<u>/ /</u>	<u>/ /</u>
Prev. Orange County Service:	_____	<u>/ /</u>	<u>/ /</u>
	_____	<u>/ /</u>	<u>/ /</u>

Early Retirement Incentive: _____

TOTAL SERVICE YEARS: 13.86517

Shawna Treat
OCERS – Member Services

5/23/2014
Date