

**Internal Investigation
Administrative Worksheet
PI# 15-037**

Principal(s): Deputy Patric O'Brien

Complainant(s): Administration

Facility/Location: James A. Musick Facility

Disposition:

1. 1018.43 (a) FRATERNIZATION

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

2. 1018.1 STANDARD OF CONDUCT

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

3. 1018.55 PROHIBITED ACTS OR OMISSIONS

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

4. 1018.33 INCURRING LIABILITY

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

5. 1018.27 UNTRUTHFULNESS

☐ Unfounded / ☐ No Further Action / ☐ Exonerated / ☐ Not Sustained / ☒ Sustained

☐ Administrative Leave

Discipline: ☐ Written Reprimand ☐ Suspension (# of hours _____)

☐ Demotion (to rank of _____) ☒ Dismissal

Comments / Other: _____

Administrative Disposition by: T. John

Date: 8/6/15

Date: 12-15-15

Administrative Appeal Hearing

Time: 12-15-15

In Attendance: AOCOS: D. GOLDWASSER, P. COLLEGOS / DCSA: JT. DONKS, SGT. GORDHAM

Comments: _____

Disposition: DISMISSAL UPHOLD

Disposition by: Sgt. Sh.

Date: 12-16-15



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 INTENT TO DISMISS PI #15-037

Patric O'Brien

[REDACTED]
[REDACTED]

In accordance with Article IX, Section 5 of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff-Coroner Department Policy Manual, Policy 340.2, you are hereby notified that the Orange County Sheriff-Coroner Department ("Department") intends to dismiss you from your employment as a Deputy Sheriff II.

This proposed discharge is based on the Department's determination that you were involved in misconduct with arrestees both on-duty and off-duty. You were found to have exchanged personal information with at least two female inmates while on duty, and later contacted them in an attempt to initiate a romantic relationship. During the administrative investigation, you admitted to meeting with one former female inmate while off-duty and drove her to an unknown location. During this encounter, you admitted that she was under the influence of a controlled substance, yet you failed to utilize good judgement in reporting the incident or ensuring for her safety after dropping her off at what you described may have been a friend's house.. Additionally, you were also found to have lied on multiple occasions during the administrative investigation regarding your involvement with these former inmates. Overall, your misconduct violated the following Department policies (Attachment #7):

1. 1018.43(a) – Fraternization

(a) Except as permitted by written authority of their Division Commander, no member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in department custody or recently released (within one year) from department custody. Any member who is contacted by or on behalf of a recently released (within one year) prisoner shall

immediately report same, in memorandum form, to his or her immediate supervisor.

(c) Except as necessary to carry out their assigned duties, members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss departmental matters or private affairs concerning themselves or coworkers with inmates.

(d) Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with, any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.

(e) Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the member's assigned duties.

2. 1018.55 PROHIBITED ACTS OR OMISSIONS

(a) The following acts or omissions by employees are prohibited:

11. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.

3. 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).

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 August 20, 2004, as a Sheriff's Special Officer assigned to the Central Justice Center. On February 4, 2005 you were appointed a Deputy Sheriff I and assigned to the Central Justice Center. On March 30, 2007, you transferred to the Theo Lacy Facility as a Deputy Sheriff I. On March 12, 2010 you transferred to the Intake Release Center as a Deputy Sheriff I and remained there until November 4, 2010. On November 5, 2010 you promoted to Deputy Sheriff II and transferred to South Operations in the City of San Juan Capistrano where you worked until December 20, 2010. On December 21, 2010, you voluntarily requested to reduce from a Deputy Sheriff II to a Deputy Sheriff I and were re-assigned to the Central Men's Jail. This re-assignment was due to you not passing your patrol training. On November 4, 2011, you transferred back to the Intake Release Center where you worked until April 5, 2012. On April 6, 2012, you transferred to the Central Women's Jail where you worked until September 18, 2014. On September 19, 2014 you transferred back to the Central Men's Jail where you worked until transferring to the James A. Musick Facility on January 23, 2015.

Throughout your employment with the Department, you have received training on various Department policies and procedures including the Department's policy on professional/ethical conduct and fraternization. According to Lexipol, the Department's web-based policy provider, you last logged on and acknowledged receipt of the Department's Policy Manual on October 1, 2013. You have also received OCSD policy updates from the SAFE Division (via email), and it has been your responsibility to review and familiarize yourself with these OCSD policies.

BACKGROUND

On March 10, 2015, Commander Antoinette Bland formally requested an Internal Affairs investigation for alleged violations of Department policies, including the Department's fraternization policy (1018.43). This investigation was initiated after inmate [REDACTED] reported to OCSD jail personnel (i.e., Deputies) that during her previous incarceration you asked for her "phone number and email address" while you were working at the Central Women's Jail in September of 2014. [REDACTED] reported these allegations after seeing you working at the James A. Musick Facility during a subsequent incarceration that lasted from February 24, 2015 to March 16, 2015. [REDACTED] claimed that out of fear for her personal safety, she provided you with her email address.

[REDACTED] reported that after her initial incarceration and subsequent release from the Central Women's Jail (September 5, 2014 – September 16, 2014), you emailed her two times, and requested that she email you back. [REDACTED] admitted to responding to one of your emails and advised the deputy that she saved the email dialog between the two of you. A copy of the

emails were later obtained by OCSD investigators. The following is a summary of those emails (Attachment #4):

- On Wednesday, September 17, 2014, you wrote an email to [REDACTED] that was titled, "*I Heard You Were Released.*" In your email message you wrote, "*It's O'Brien, checking to see if you'll get this.*" [REDACTED] responded to this email on Wednesday, September 24, 2014. [REDACTED] wrote, "*Yes I was :) how are you.*"
- On Thursday, September 25, 2014, you wrote another email to [REDACTED] that responded to her asking how you were. Your email response was, "*I'm tremendous! Thank you for asking. What's up with you? Can you imagine how good it will feel to have my arms wrapped around you?...but I don't want you to get involved in something you can't handle. ;) Patric.*"

In addition to the email correspondence, [REDACTED] then disclosed the content of additional conversations between the two of you in which you made inappropriate and unprofessional comments during her initial incarceration at the Central Women's Jail. [REDACTED] described these conversations as being, "really juicy and bad." [REDACTED] also stated she witnessed you holding back two other unknown females on separate occasions to speak with them. [REDACTED] stated you made her "feel different than the other deputies did", and you "gave a lot of the girls attention."

INTERNAL AFFAIRS INVESTIGATION

On April 6, 2015, the Internal Affairs Bureau conducted an Administrative Personnel Investigation to determine whether your alleged conduct violated Department policies. During the investigation, the Internal Affairs Bureau conducted interviews with you, several OCSD employees, several inmates in OCSD custody, and former inmate [REDACTED]. The Internal Affairs Bureau also contacted former inmate [REDACTED] her attorney [REDACTED] and reviewed video surveillance of specific days relevant to [REDACTED] allegations.

Summary of the Internal Affairs Interview with [REDACTED]

On April 21, 2015, Sergeant Graham interviewed [REDACTED] telephonically (Attachment #5). [REDACTED] representative [REDACTED] was also present during the interview.

On March 7, 2015, [REDACTED] reported to three female OCSD employees (Deputy Lisa Fettis, Deputy Michelle Moore and CSA Monique Eisen) that she feared for her safety after seeing you at the James A. Musick Facility where she was currently incarcerated. [REDACTED] claimed you sexually harassed her during her previous incarceration in September of 2014, while she was housed at the Central Women's Jail.

As part of her claim, [REDACTED] stated you held her back on numerous occasions while allowing the other female inmates to return to their housing tanks in order to obtain her personal information. [REDACTED] stated you told her she was "real pretty", and that you wanted "intimate relationships" with her once she was released from custody. You also asked [REDACTED] for her phone number and email address.

[REDACTED] further stated you had between 8 and 10 conversations with her while in-custody. [REDACTED] was at first confused by your demeanor and did not know how to react to you. She described you as "really nice" and "made her feel different than the other deputies did." [REDACTED] later realized your true intentions were to get her information for your own personal benefit.

Your behavior ultimately led [REDACTED] to feeling "terrified, scared, and disgusted." You made it clear to [REDACTED] that you were not going to let her return to her housing location until she gave you her information, which made her feel obligated to provide you with her email address. Her fear and disdain grew and later transcended towards the Department and other deputies.

On September 16, 2014 [REDACTED] was released from custody. On September 17, 2014 and again on September 25, 2014 you emailed [REDACTED] utilizing the email address she provided to you while in custody. [REDACTED] replied to your first email knowing it was you because 1) you identified yourself by name and 2) a clear headshot of your face was attached to the emails you sent her. Your second email referenced you and [REDACTED] being involved in a physical manner. [REDACTED] did not respond to your second email and denied meeting with you outside of custody.

When questioned, [REDACTED] acknowledged you never touched her inappropriately in or out of custody, and you never met her in person while she was out of custody.

When asked why she failed to report the incident in a timely manner [REDACTED] stated that she was scared and concerned over what would happen to her. According to [REDACTED] she decided to report the incident because she was in a "better mindset" and she didn't want you sexually harassing any other girls.

Summary of the Internal Affairs interviews with Deputy Fettis, Deputy Moore and CSA Monique Eisen

On April 23, 2015, Sergeants Graham and Asuncion interviewed Deputy Lisa Fettis, Deputy Michelle Moore and CSA Monique Eisen (Attachment #5). The following is a summary of the pertinent information obtained by the investigators:

- While working at the James A. Musick Facility on March 7, 2015, Deputy Fettis was approached by inmate [REDACTED]. Both Deputy Moore and CSA Eisen were present and witnessed/participated in the discussion.

- [REDACTED] requested a grievance slip to report a previous incident in which [Deputy Patric O'Brien] asked for her email address and phone number. [REDACTED] specifically identified you as the deputy who solicited her personal information. [REDACTED] told Fettis she felt uncomfortable giving you her phone number, but confirmed she gave you her email address.
- [REDACTED] stated you emailed her a "couple of times" and that she responded to only your first email. [REDACTED] also confirmed that she retained the email messages you sent her.

Summary of the Internal Affairs Interview of Deputy Patric O'Brien

On May 7, 2015, at approximately 1530 hours, Sergeants Graham and Asuncion interviewed you in the Internal Affairs' office (Attachment #5). Present during your interview was your Association of Orange County Deputy Sheriffs (AOCDS) Representative David Goldwasser. The following is a summary of the interview:

At the onset of the interview, you stated you were familiar with OCSD policies, but were nonetheless afforded the opportunity to read and review the policies prior to being questioned. After reviewing the policies, you acknowledged to working at the Central Women's Jail for approximately 2 ½ half years prior to October 2014. You also stated your last assignment before leaving the Women's Jail was as the second floor Prowler Deputy, which included "G, H, and I" housing units, as well as the vestibules.

During your assignment as the second floor Prowler Deputy, you admitted to "one on one" conversations with female inmates "all the time", and to holding female inmates back in "G" vestibule to have "one on one" conversations with them.

Although you were initially evasive when questioned, you eventually admitted to asking and receiving personal contact information from inmates. Specifically, you admitted to soliciting and receiving personal information from [REDACTED] and another former inmate unbeknownst to the investigators named [REDACTED]

When questioned further regarding [REDACTED] you admitted to contacting and emailing her after her release from custody. You also stated you communicated with [REDACTED] on the phone, via text and via email.

When pressed further by the investigators, you admitted to also meeting [REDACTED] in person. You claimed [REDACTED] called you for help at approximately five or six in the morning and as a result of that call you drove from your home in Huntington Beach to a location in Anaheim to meet her. You stated [REDACTED] was standing on a street corner and when you spoke to her you realized she was "high" based on her behavior. Despite recognizing she was under the influence, you failed to use proper judgment as a law enforcement officer and either 1) call the local authorities and/or 2) call for medical assistance. Instead, you allowed her into the front

seat of your vehicle and allegedly drove approximately 15 minutes to "her friend's" house at a location you could not recall and dropped her off without ensuring or verifying she would be safe. You stated you did not know where she went from there, haven't heard from her since, and claimed that was the last time you saw her.

You later admitted to investigators that the reason you went to pick her up was the hope that it would lead to a dating relationship with her. When asked to reaffirm your desire to date [REDACTED] you stated, "I thought that maybe something could happen later on in the future."

Shifting the focus back on [REDACTED] the investigators questioned you on the conversations you had with her both in and out of custody. You admitted to holding her back in the jail vestibule, but claimed it only occurred once. You were evasive when questioned about how you obtained her personal information and attempted to downplay the communication you had with [REDACTED] once you learned she was released from custody. You were also untruthful to investigators when you stated that you only emailed her "one time" and that [REDACTED] never replied to your email.

While admitting to the investigators that your conduct with both [REDACTED] and [REDACTED] was inappropriate and you were aware you were violating Department policies, you failed to take responsibility for your actions and inferred that the environment at the Women's Central Jail was to blame because females are housed there. You attributed your actions to your recent divorce and that you were "seeking something else elsewhere." Nonetheless you apologized, but fell short of accepting full accountability for your actions by describing them as a "lapse in judgment."

Summary of the Internal Affairs interview with [REDACTED] and Attorney [REDACTED]

Through her personal attorney [REDACTED] [REDACTED] admitted to Sgt. Graham meeting you in person while out of custody, knowing that you went through a divorce, and that you helped her out with a ride once (Attachment #5).

FINDINGS AND DETERMINATIONS

Based on the information and evidence obtained during the internal affairs investigation including, statements from witnesses and yourself, the Department makes the following findings and determinations.

VIOLATION OF OCSD POLICY 1018.43 – Fraternization

During your interview, you admitted to soliciting and receiving the personal email accounts from [REDACTED] and [REDACTED] as well as the personal phone number from [REDACTED]. You admitted to communicating with both [REDACTED] and [REDACTED] after their release from OCSD.

custody, and within the mandated one year waiting period which is in place and intended to prevent such communication. You also confirmed that you did not receive written authorization from you Division Commander for permission to contact [REDACTED] and [REDACTED] and you did not notify your supervisor after you contacted them as OCSD policy states.

Additionally, you admitted that your intention in obtaining [REDACTED] and [REDACTED] personal information was to start a relationship with them in the future. You specifically stated, "I thought that maybe something could happen later on in the future."

VIOLATION OF OCSD POLICY 1018.55 PROHIBITED ACTS OR OMISSIONS

While working the Central Women's jail, you admitted to soliciting personal information from inmates [REDACTED] and [REDACTED] in direct violation of OCSD Policy 1018.55.

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

During your interview, you indicated that while working at the Central Women's jail, you would have one on one conversations with female inmates "all the time" and would purposely "hold" female inmates back to have these conversations. You initially stated the nature of these conversations dealt with aspects within the jail facility. However, you later admitted to soliciting a female inmate's personal information during one such conversation.

During questioning, you were untruthful with divulging the number of female inmates you solicited, as well as the names of those female inmates. You were also reluctant and hesitant when you were asked specific questions regarding the nature of your conversations with these female inmates, and what type of personal information you received from them.

Finally, you admitted to meeting [REDACTED] and acknowledged she was under the influence of a controlled substance. Despite recognizing she was intoxicated, you allowed her into your vehicle and proceeded to drive her for fifteen minutes to an unknown location you claim was a friend's house. While she was under the influence, you allowed [REDACTED] to exit your vehicle and walk away without further assistance or assurances of her safety/well-being.

VIOLATION OF OCSD POLICY 1018.33 INCURRING LIABILITY:

Due to your encounters with inmates [REDACTED] and [REDACTED] both on and off duty, your unprofessional conduct and bad judgment has made the department potentially liable for your actions. You placed your personal desires and wants above the Department, and created numerous opportunities for allegations against yourself and the Department.

VIOLATION OF OCSD POLICY 1018.27 UNTRUTHFULNESS

In your interview, there were several times where you made untruthful statements when responding to questions from Sergeants Graham and Asuncion. Specifically:

- When you were asked, Did you ever talk (to inmates) about any personal matters? You replied, "No, Sir. No." You also made a statement regarding your conversations with inmates as, "Um, work related, I mean, I had nothing...Uh...personal like information that I gave to her or she gave to me...Uh...like my own personal life or anything like that."

However, later in the interview you admitted to asking two female inmates for the personal contact information. Also, at the end of your interview, inmate [REDACTED] attorney stated [REDACTED] told him of your divorce situation, proving you divulged this personal information to her.

- When asked, How many times, how many different inmates, and what was the inmate's name? You replied, "Uh, I did with that one particular inmate if I think that I know who you are talking about. One time." ... "One time, just one inmate?", and "I don't even remember her name."

However, when re-questioned, you later admitted to soliciting more than one inmate and knowing one female inmate's name. Your answers stated, "I've, I've talked to a couple inmates actually, yes." ... "Yes, Sir." (Referring to more than one inmate), and "Um, [REDACTED] is the last name."

- You initially denied receiving [REDACTED] phone number.

However, you later admitted to texting her after you received her phone number from your initial email correspondence.

- When asked, When did you contact [REDACTED] and where did you get her contact information? You replied, "Uh, It was, it was in the vestibule." You then replied, "I mean, I didn't, I never, I never did get her, uh, information." You were then asked again about receiving [REDACTED] information. You denied receiving it again by stating, "No."

However, later in the interview, you admitted to emailing [REDACTED]

- You claimed to only have contacted [REDACTED] one time by stating, "Just the one time.", and that [REDACTED] did not contact you back by replying, "No Sir."

However, your email history to [REDACTED] contradicts those statements. You emailed [REDACTED] TWO times and she responded back to you ONE time.

- When questioned about what your conversational topics with [REDACTED] were, you replied, "You know, I seriously I don't recall. But, Uh, I said something about, you know, getting to be able to meet her. And uh, we just, we just were never really able to hook up at all."

However, you later admitted to meeting her. You stated, "I, uh, did meet her one time."

You also did not recall the location where you picked up [REDACTED] (only that it was in Anaheim), where you eventually dropped her off at, or when this incident occurred. However, you remembered this occurred on one of your days off at 5:00 or 6:00 in the morning, and that [REDACTED] was under the influence. You could not recall what email address you used to contact the female inmates. You stated you did not recall what you wrote in your email to [REDACTED]

You continually were untruthful during your Internal Affairs interview and did not disclose any truthful statements until re-questioned or placed into a corner. Your demeanor and unprofessionalism is not the standard of this Department or the field of Law Enforcement. As a Law Enforcement Officer, you are held to a higher standard which you have failed to uphold. You have proven you cannot be or represent a symbol of public trust.

CONCLUSION

After consideration of all available information, the Department concludes that your behavior violated the aforementioned policies and procedures of the Orange County Sheriff's Department. Your statements in your Internal Affairs interviews show that you intentionally contacted [REDACTED] and [REDACTED] with the intent of starting a personal or sexual relationship with them.

As a result of your inappropriate actions, you have exposed yourself and the OCSD to potential liability and discredited your standing within the Department and among your peers.

Your conduct falls far below the standards set forth by the Orange County Sheriff's Department and has negatively affected your standing within the Department in your capacity as a Deputy Sheriff. As a Deputy 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 and extremely poor judgment, the Department has determined that you are unfit 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 your employment as a sworn peace officer with the Orange County Sheriff's Department. Because of your serious misconduct, the Department now intends to terminate your employment. 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. Personnel Investigation Summary
2. Initial Action
3. Copy of Internal Memos
4. Email history between Deputy O'Brien and [REDACTED]
5. CD of Internal Affairs Interviews
6. Notice of Administration Leave
7. OCSD Policy and Procedures

You are entitled to pre-deprivation, pre-disciplinary due process review (Skelly Meeting) before discipline is imposed. You may respond in writing to Assistant Sheriff Linda Solorza 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 Sergeant Rich Koenig 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 you may be represented by the recognized exclusive employee organization to which you belong in any due process review meeting you request.

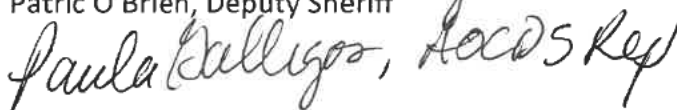
If this proposed action becomes final, you have the right to appeal, pursuant to Article IX, Section 5C and Article X, Sections 7 & 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.


Wayne Byerley, Captain

10-22-15
Date


Patric O'Brien, Deputy Sheriff

10/22/15
Date


Paula Balligas, ACOSS Rep



ORANGE COUNTY SHERIFF'S DEPARTMENT

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SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF DISMISSAL P.I. #15-037

Patric O'Brien
[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 Deputy Sheriff, effective immediately.

On Tuesday, December 15, 2015, Assistant Sheriff Linda Solorza met with you and your representative, David Goldwasser. After reviewing the materials and considering the information presented, Assistant Sheriff Solorza 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 admitted to fraternizing with two former female inmates, [REDACTED] and [REDACTED] both on and off duty, in an attempt to establish a personal relationship with them; (2) you admitted to soliciting personal information from female inmates while on duty; (3) you admitted to regularly and purposely holding back female inmates to speak with them, and to receiving email addresses and a phone number. You sexually harassed [REDACTED] on duty, and left [REDACTED] who was under the influence, alone and vulnerable in public while off duty; (4) you made several untruthful statements during your interview and downplayed your actions; (5) you placed liability on the department due to your on-duty and off-duty actions; 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

1-4-16

Date



Patric O'Brien, Deputy Sheriff

01-04-16

Date



Human Resource Services

Memorandum

Date October 22, 2015

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

From: Terri Bruner, Interim Chief Human Resources Officer
 Human Resource Services

Subject: Authorization to Discharge (Patric O'Brien)

In accordance with Article IX, Section 5 of the County of Orange 2012-2016 Memorandum of Understanding with the Peace Officer Unit & Supervising Peace Officer Unit, the proposed discharge of Patric O'Brien, Deputy Sheriff II, is approved.

A handwritten signature in black ink, appearing to read "Terri Bruner", is written over a horizontal line.

Terri Bruner
Interim Chief Human Resources Officer

10/22/15
Date

cc: Wayne Byerley, Captain, OC Sheriff-Coroner Department
 Jason Danks, Lieutenant, OC Sheriff-Coroner Department

**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Lieutenant Russ Chilton
FROM: Sergeant Rich Himmel *Sgt R. Himmel 2725*
DATE: January 7, 2016
RE: Possible Violations of OCSD Policy

Lieutenant, Deputy [REDACTED] brought this situation to my attention today:

While investigating numerous crimes at the Laguna Cliffs Marriott on 1/5/16 (DR 16-003396), Deputy [REDACTED] came to be in possession of a stolen Samsung cell phone. The legal owner of the phone is [REDACTED] known to CSU as a local drug offender. [REDACTED] has felony convictions for Possession of Stolen Property and Child Endangerment. At present, she is on informal probation with Search and Seizure terms (Court case #15CM05573). [REDACTED] DMV photo is attached.

During the course of his investigation, Deputy [REDACTED] looked at [REDACTED] text messages on the unlocked phone. He noticed text messages of a flirtatious and/or romantic nature between [REDACTED] and Patric O'Brien, whom Deputy [REDACTED] recognized as an Orange County Deputy Sheriff.

Viewing the text messages, I observed that Deputy O'Brien initiated contact with [REDACTED] on 8/21/14 with a text message reading, "Do you like Pina Coladas and/or getting caught in the rain?" In the ensuing text conversation, Deputy O'Brien gives [REDACTED] a phone number to call him at, and explains to [REDACTED] he can't be her friend on Face Book because, "I have friends in law enforcement, and if anyone recognizes you, I could get in trouble." The text conversation between the two continues sporadically until Deputy O'Brien's last text on 1/16/15. [REDACTED] texts continue until yesterday (1/6/16) with no response from Deputy O'Brien.

Based on [REDACTED] AJS information (attached), it appears she was in OCSD custody several times over the last few years.

I photographed the text messages and burned the photo files to a CD (enclosed). I printed out the photos (attached).

I respectfully recommend this matter be referred to Internal Affairs for further investigation of possible violations of Department policy.



12:38 PM

Patric O'Brien



You and Patric O'Brien aren't connected on Facebook

AUG 22, 2014 AT 5:21 PM

Do you like piña coladas and/or getting caught in the rain?

AUG 22, 2014 AT 5:21 PM

Maybe? Maybe you'll have to find out for yourself

I'm intrigued...it's just

Write a message

← Patric O'Brien 📺 📞 ⓘ

Maybe? Maybe you'll have to find out for yourself 😏



I'm intrigued...it's just too bad I don't date people who get high...or have boyfriends. (I saw the Picts), lol.

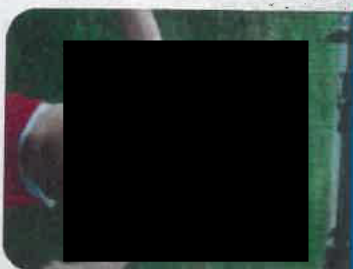
I'm done with getting high! Time to grow up.... There's no pics up of me And my bf the pic of me and the half black boy is one of my exs

My lil mian This was a dud

LTE 33% 12:39 PM

← Patric O'Brien

My lil man. This
was a vday
photoshoot)



Lo!, very clever! He
needs his Mom in his life
(full time).

Write a message

12:39 PM

← Patric O'Brien

He's too cute. We'll see if you're done with drugs. What's your cell phone number - I'll text you.

AUG 22, 2014 AT 5:44 PM

I'm back together with my bf... We'll see how long it will last lol...

but I love u deputy obryan!!!!!!!

Ha! I knew it, lol. Guess we'll never know about the piña coladas and rain,

Write a message

12:39 PM

Patric O'Brien

Ha! I knew it, lol. Guess we'll never know about the piña coladas and rain, lol. Tell ya what, here's my number.

I have to unfriend you on Facebook (there's a real reason), but if you want the answer, you'll have to text/call.

AUG 24, 2014 AT 11:32 AM

I'm single! I knew it!

¡¡¡ tkt ya

AUG 27, 2014 AT 9:34 PM

Write a message...

← Patric O'Brien

↕ have a feeling you were single for a second & praying you didn't go down the wrong path. I wonder?

AUG 28, 2014 AT 11:16 PM

I am singler for good now he beat the living dht out on me and that was the icing on the cake

AUG 29, 2014 AT 2:41 AM

I am so sorry to hear that! I hope you AND your son are doing well now. I want

Write a message



LTE 12:40 PM

← Patric O'Brien

Aug 28, 2014 AT 2:41 AM

I am so sorry to hear that!
I hope you AND your son
are doing well now. I want
you to call me later in the
day (I'm sure you're
sleeping).

OCT 3, 2014 AT 12:37 PM

Hiii

OCT 3, 2014 AT 12:26 PM

Hi back-atcha

OCT 3, 2014 AT 12:24 PM

At the moment I'm

Patric O'Brien

OCT 3, 2014 AT 3:24 PM

What r u doing

OCT 3, 2014 AT 5:46 PM

Workin' where you
been?..wait, it's obvious
you finally pursued your
dream of becoming a
mermaid..when you are
done singing songs with
your underwater
friends, call me when I get
off work (after 7) because
I've got something to ask
you.

12:40 PM

Patrick O'Brien



OCT 4, 2014 AT 10:53 AM

Can I call u today after 7

OCT 4, 2014 AT 1:30 PM

Yes

OCT 4, 2014 AT 10:28 PM

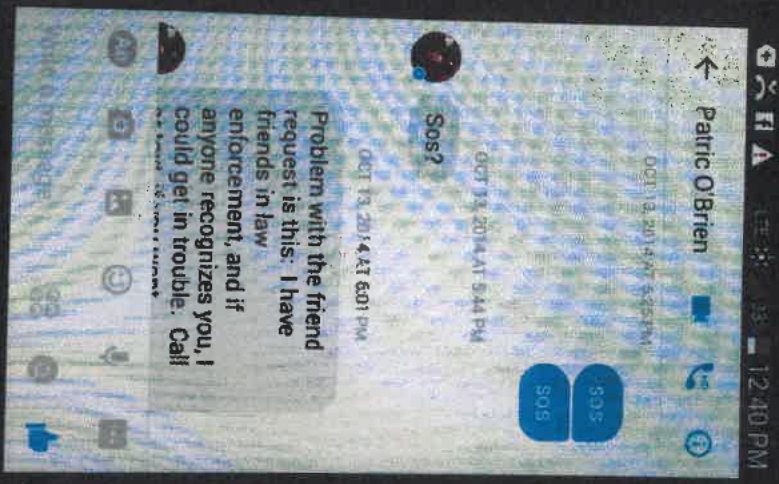
Hi

OCT 5, 2014 AT 9:20 AM

"That" was a phone call ?

OCT 14, 2014 AT 6:25 PM





← Patric O'Brien

OCT 13, 2014 AT 6:01 PM

Problem with the friend request is this: I have friends in law enforcement, and if anyone recognizes you, I could get in trouble. Call or text, if you want.

OCT 13, 2014 AT 6:31 PM

...and I'm not interested, since you're still in a relationship, I'm not into games. I only date single girls who want to have fun.

Write a message

Patric O'Brien

OCT 14, 2014 AT 12:29 AM

I need ur number can I call u now

[Redacted]

JAN 12, 2015 AT 12:47 PM

Hi!!!

I hope ur not too disappointed with me

JAN 12, 2015 AT 1:03 PM

[Redacted] ..I want you to tell me what you're

WhatsApp

Patric O'Brien

...I want you to tell me what you're going to do for me because you have to make this up somehow.

How? and when r we gonna get Together

I see, avoiding the question...hrrmm. I want to know what your schedule is like this week and next week?

JAN 12, 2015 AT 2:19 PM

← Patric O'Brien

JAN 12, 2015 AT 2:19 PM

Dont have too much going on other than make phone calls and job hunt

JAN 12, 2015 AT 4:50 PM

Can we go out for drinks and dancing
And we can even play cqp and u can handcuff me.)

JAN 12, 2015 AT 5:40 PM

Whered u go??



Patrick O'Brien

It'sh sound good?

Whatever works for u

I leave work at 7, but I will pick you up after that. What's your address?

[REDACTED]

Using dad's phone and it's on 1% ill msg u later k

Can't wait to see u

Got it

← Patric O'Brien

Got it

BTW when I saw u at med
call my heart dropped

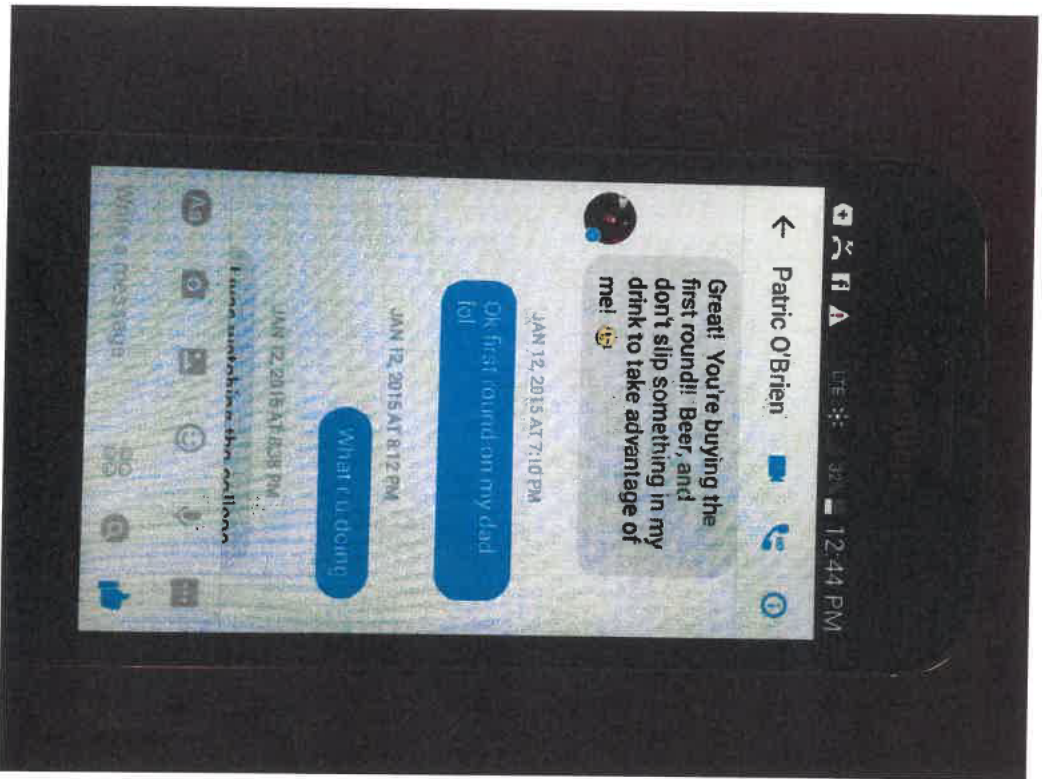
Literally

Imagine my shock!

Awwe well hopefully I'll
never have to see those
walls again

What kind of cocktail do u
like or r u a beer guy

Great! You're buying the
first round!! Beer and



Patric O'Brien

JAN 12, 2015 AT 8:38 PM

I was watching the college championship, but it's getting to be a blowout. What was that about your dad...you two duking it out? 🤔

JAN 12, 2015 AT 9:02 PM

What??

Ah, never mind. I misunderstood your dad text. Now I understand. Have a good nights sleep - I'm going to bed soon.

← Patric O'Brien

Ah, never mind. I misunderstood your dad text. Now I understand. Have a good nights sleep - I'm going to bed soon; playing tennis in the morning.

JAN 13, 2015 AT 9:14 AM

I need to talk to u super important please call me back asap thanks!

JAN 13, 2015 AT 12:28 PM

I'm back from my run.

Patric O'Brien

JAN 15, 2015 AT 6:24 PM

Where are we going tomorrow night?

JAN 16, 2015 AT 9:53 AM

I don't know in to pain with joint I might have to do it next weeked

JAN 16, 2015 AT 11:20 AM

Copy, I will bring a wheelchair with me tonight 🙏
...and we'll just do dinner.

Patric O'Brien

What kind of food do you like to eat?

JAN 16, 2016 AT 5:28 PM

u dont understand i cant even get up to use the restroom i just tried to get up my dad was gonna take me to hospital he cant get me up

JAN 16, 2015 AT 6:54 PM

So, you're telling me, you need a strong Deputy to pick you up and take

Write a message

← Patric O'Brien

JAN 16, 2015 AT 6:54 PM

So, you're telling me, you need a strong Deputy to pick you up and take you to the hospital with your dad, I'll be right over.

JAN 17, 2015 AT 10:48 AM

only i cant believe u came over to help! i would have been so embarrassed

JAN 17, 2015 AT 11:11 AM

im in love

Write a message



← Patric O'Brien

FEB 1, 2015 AT 1:01 AM

hii

FEB 12, 2015 AT 3:55 PM

I need ur help

Sos

Can u pick U pick me up tonight or now

WED AT 5:03 PM

Hi!

I need u I don't feel safe

WED AT 5:08 PM

98

12:46 PM

Patric O'Brien

Can u pick u pick me up
tonight or now

Sos

WED AT 6:03 PM

Hi!

I need u I don't feel safe
these days!!!

And I would really like to
talk to u in regards to
something. That happened
at my home



INITIAL ACTION

Complainant: Administration

Case Name: 15-037

Date of Complaint: March 10, 2015

Division / Division Commander: James A. Musick Facility / Captain 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:

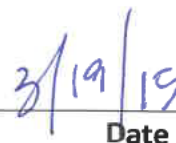
Sergeant: _____ Date: _____

Investigator: _____ Date: _____

- ☐ Administrative Leave



Assistant Sheriff / Commander


Date

PERSONNEL INVESTIGATION SUMMARY

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Lieutenant Jason Danks *J.D.*
FROM: Sergeant Thomas Graham
DATE: June 2, 2015
RE: Personnel Investigation #15-037

Complainant: Administration
Employee(s): Deputy Patric O'Brien #698
Incident Location: Central Women's Jail
Incident Date: Between 9-4-14 to 9-16-14 and November 2014
Allegation(s): Orange County Sheriff's Department Policy Manual

1. 1018.43(a) – Fraternization

(a) Except as permitted by written authority of their Division Commander, no member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in department custody or recently released (within one year) from department custody. Any member who is contacted by or on behalf of a recently released (within one year) prisoner shall immediately report same, in memorandum form, to his or her immediate supervisor.

(c) Except as necessary to carry out their assigned duties, members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss departmental matters or private affairs concerning themselves or coworkers with inmates.

(d) Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with, any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.

(e) Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the member's assigned duties.

2. 1018.55 PROHIBITED ACTS OR OMISSIONS

(a) The following acts or omissions by employees are prohibited:

11. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.



3. 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).

4. 1018.27 UNTRUTHFULNESS

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

Initial Action

On 3-10-15, at the direction of Commander Toni Bland, Internal Affairs initiated a personnel investigation into the on duty and off duty actions of Deputy Patric O'Brien #698. It is alleged that Deputy O'Brien violated Department policies with Fraternization incidents at the Central Women's Jail and while off duty.

Memo from Deputy Michelle Moore #3947 to Lieutenant Michael Jensen

The memo is dated March 7, 2015 and is in reference to inmate [REDACTED]. The memo states while working with Deputy Fettis #4063 and CSA Eisen #4517 in the South Watch at the James A. Musick Facility, Inmate [REDACTED] exited A Dorm and asked them for a grievance form. Deputy [REDACTED] asked [REDACTED] why she wanted the form and if they could resolve the issue right there. [REDACTED] told Deputy [REDACTED] "No" and stated the incident occurred during her last in-custody which was in August of 2014.

The memo states [REDACTED] told Deputy [REDACTED] that a male Deputy at the Central Women's Jail asked for her phone number and email address. [REDACTED] told Deputy [REDACTED] she was scared and only gave the male Deputy her email address. [REDACTED] stated she wasn't going to say anything about her contact with the Deputy until she saw Deputy O'Brien working at the James A. Musick Facility a few days prior.

After hearing this information, Deputy [REDACTED] stopped [REDACTED] from disclosing any more information and informed Sergeants Corwin #6885 and Witteman #4332 of the information she received. Lieutenant Jensen was notified of the incident.

[REDACTED] states at the request of Sergeant Corwin, she spoke to [REDACTED] again. During their conversation, when asked if Deputy O'Brien emailed her, [REDACTED] claimed O'Brien emailed her two times. [REDACTED] stated the first email from Deputy O'Brien asked how she was doing and if she can email him back. [REDACTED] stated she responded back to him, "Hi, not much." [REDACTED] stated Deputy O'Brien emailed her a second time, but she did not respond to him. [REDACTED] claimed to have had a conversation with Deputy O'Brien in "G" vestibule at the Central Women's Jail. [REDACTED] told Deputy [REDACTED] "The really Juicy and bad stuff was when he talked to me in "G" vestibule." [REDACTED] concluded by telling Deputy [REDACTED] the email account was still active and she had Deputy O'Brien's emails saved.



Email from Lieutenant Michael Jensen to Captain Michael Krueger

This email is dated March 7, 2015 and is in reference to inmate [REDACTED] and Deputy [REDACTED] memo. The email states Inmate [REDACTED] approached Deputy [REDACTED] who was working in the watch of the South Compound, and disclosed to her a possible violation of OCSD policy 1018.43(a) Fraternization. The email states while [REDACTED] was in-custody at the Women's Main Jail, Deputy Patric O'Brien #0698 (who was assigned and working the Women's jail at the time) asked for her personal phone number and email address. [REDACTED] claimed to have received two emails from Deputy O'Brien. Upon seeing Deputy O'Brien working the James A Musick Facility, she disclosed the information to Deputy [REDACTED]

The email states [REDACTED] was returned to the Intake Release Center to avoid any additional contact with Deputy O'Brien and Deputy O'Brien was not contacted regarding the disclosure. Lieutenant Jensen referred the incident to Captain Krueger.

Memo from Captain Michael Krueger to Commander Toni Bland

This memo is dated March 10, 2015 and is in reference to Deputy Patric O'Brien #0698. This memo states on March 7, 2015, at about 1640 hours, Captain Krueger spoke to Lieutenant Jensen regarding a complaint from a female inmate regarding Deputy Patric O'Brien #0698. The female inmate alleges Deputy O'Brien requested her contact information while she was in-custody at the Central Women's Jail in August of 2014 and Deputy O'Brien emailed her two times after she was released from jail. The memo states the female disclosed this information because she felt uncomfortable after seeing Deputy O'Brien working at the James A. Musick Facility.

The memo confirms, according to "In-Time" records, Deputy O'Brien was assigned to the Central Women's Jail from 4-6-12 to 9-18-14, the Central Men's Jail from 9-19-14 to 1-22-15, and then transferred to the James A Musick Facility on 1-23-15.

Captain Krueger requested Lieutenant Jensen have Deputy [REDACTED] document the information she received from inmate [REDACTED] on a department memo and forward the information and allegations to Lieutenant Danks at PSD. Captain Krueger requested the allegation be investigated by PSD for OCSD Policy violation 1018.43(a) Fraternization.

Emails

There are two Email exchanges between Deputy Patric O'Brien and Inmate [REDACTED]. Both exchanges were sent to me via email from [REDACTED] through [REDACTED] who is the Associate Court Liaison for the Solid Landings Behavioral Health/ Sure Haven Recovery Center where [REDACTED] is currently rehabilitating. The dialog is the same in both exchanges. However, one is a screen shot of the email showing a profile picture of Deputy O'Brien and the other email is a forwarded copy of the dialog. The following is the dialog between Deputy O'Brien and inmate [REDACTED]



Subject: RE: I heard U were released

From: Patrick O'Brian [REDACTED]
Date: Wed, Sep 17, 2014 at 6:42 PM
To: [REDACTED]

It's O'Brien, checking to see if you'll get this.

From: [REDACTED]
Date: Wed, Sep 24, 2014 at 1:43 PM
To: Patrick O'Brian [REDACTED]

Yes I was :) how are you

From: Patrick O'Brian [REDACTED]
Date: Thu, Sep 25, 2014 at 2:37 PM
To: [REDACTED]

I'm tremendous! Thank you for asking. What's up with you? Can you imagine how good it will feel to have my arms wrapped around you?
...but I don't want you to get involved in something you can't handle. ;)

Patric

Internal Affairs Investigation:

Interview (via telephone) of [REDACTED] by Sergeant Graham

On April 21, 2015, at 0857 hours, I interviewed [REDACTED] telephonically and she understood she was a witness in this investigation. From September 4 to September 16 of 2014 and from February 24 to March 16 of 2015, [REDACTED] was an inmate in the Orange County Jail system. During her time in custody, [REDACTED] was housed at the Central Women's Jail and the James A. Musick Facility. [REDACTED] is currently out of custody and in a rehabilitation treatment program located in Costa Mesa called Solid Landings Behavioral Health. During my interview with [REDACTED] [REDACTED] was also present and is the Associate Court Liaison for Solid Landings Behavioral Health. The following is a summary of the interview with [REDACTED]

On March 7, 2015, [REDACTED] spoke with three female Deputies about a concern she had after seeing a male Deputy she had encountered during her previous incarceration in August 2014 (referring to her September 2014 incarceration). [REDACTED] identified the male Deputy as Deputy Patric O'Brien and she told the female Deputies that O'Brien sexually harassed her in August while she was house at the Women's Central Jail. [REDACTED] told the Deputies she was concerned for her own safety. Deputy Moore assured [REDACTED] everything would be taken care of and [REDACTED] would be alright.



Deputy O'Brien held her back in the vestibule at the Women's Jail (G-2) multiple times and would not let her back into her housing tank until he obtained her personal information. [REDACTED] described an incident in which she was standing with her hands behind her back with three other female inmates (while in the G-2 vestibule), when Deputy O'Brien accused her of talking. O'Brien told her, [REDACTED] why are you talking, you know you are not supposed to be talking in the vestibule." O'Brien let the other three female inmates back up to the housing tank but kept her behind. While alone in the vestibule, O'Brien told her she was "real pretty" and he wanted "relationships" with her when she was released from custody. O'Brien asked for her phone number, information about her, as well as her email address. [REDACTED] told O'Brien she didn't have a phone number, was homeless, but eventually gave O'Brien her email address. [REDACTED] specified O'Brien told her he wanted "intimate relationships" with her.

[REDACTED] did not know or remember the female inmates who were with her during the incident, but stated it was inside the G-2 vestibule and occurred around August 14th (referring to her September 2014 incarceration). [REDACTED] witnessed O'Brien holding 2 other unknown females back on separate occasions. [REDACTED] described one incident in which O'Brien was verbally comforting a female inmate who was crying.

[REDACTED] did not know O'Brien prior to being arrested. She met him while she was incarcerated. [REDACTED] was in the OC jail system for approximately 2 weeks and had 8-10 conversations with O'Brien prior to being harassed by him. [REDACTED] described O'Brien as really nice and she commented, "He made me feel different than the other deputies did. He gave a lot of the girls attention." [REDACTED] didn't know how to react at first, but did not think O'Brien was being "creepy" or think his intentions were what they turned out to be.

After O'Brien asked for her personal information, she was terrified, scared, and felt disgusted with the jail, him, and Deputies. [REDACTED] never felt scared or obligated to talk with O'Brien until the incident in which he held her back alone to talk. [REDACTED] felt this way because she had nowhere to go. O'Brien was never physically forceful with her during their conversations. However, O'Brien made it pretty clear he was not going to move away from the cell or pop the cell door for her to return to her housing location (G2) until she gave him information.

[REDACTED] gave O'Brien her email address. She was released on September 16, 2014. O'Brien emailed [REDACTED] on September 17, 2014 and September 25, 2014. [REDACTED] replied to O'Brien's first email on September 24, 2014, but did not respond to the second email. [REDACTED] knew it was Deputy O'Brien who emailed her because he identified himself and his picture appeared when he emailed her. (INVESTIGATIVE NOTE: see attached email exchanges.)

[REDACTED] never had any contact or conversations with Deputy O'Brien while outside of custody besides the email exchanges. She confirmed she saw Deputy O'Brien approximately 10 times during her September incarceration and 1-2 times during her March incarceration. Every time she saw him during her September incarceration they had conversations. Those conversations occurred in G vestibule and where the clothing exchanges occur (near the Guard Station).



The G-vestibule conversation, (referenced with Deputy Moore as "the real juicy and bad stuff"), was when O'Brien told [REDACTED] she was "pretty" and that he wanted to have further "intimate relationships" with her when she was released. During this conversation, O'Brien asked her why she was in jail and he stated she was too pretty to be in jail. [REDACTED] stated the conversation began when O'Brien held her back and told her, "I don't know how to tell you this [REDACTED] but I think you are real pretty." During the conversation, [REDACTED] stated they were alone and he was standing close to her. She said he was leaning against the wall and standing in front of her with his hands crossed.

[REDACTED] denied ever having any physical or sexual contacts with O'Brien while in custody. She stated O'Brien never touched her. [REDACTED] denied ever seeing or meeting with O'Brien while she was released from custody between September 2014 to March 2015. O'Brien saw [REDACTED] at the Musick Facility during her March in-custody, but he just smiled and did not talk to her. O'Brien never talked to her about Department (OCSD) or personal matters and he never gave her or promised her anything while she was in custody.

[REDACTED] did not report this incident in September because she was scared and did not know what would happen to her or if the Deputies cared. [REDACTED] changed her mind and reported the incident because she described herself as having a "better mindset" now. She had a flashback when she saw him and [REDACTED] did not want O'Brien harassing any other girls. [REDACTED] did not tell O'Brien that she reported this incident to Deputy Moore.

Interview with Deputy [REDACTED] by Sergeants Graham and Asuncion

On 4-23-15, at approximately 1406 hours, Sergeant Asuncion and I conducted an interview with Deputy Fettis who understood she was a witness in this investigation. Deputy Fettis was advised that everything discussed was confidential and she was ordered not to discuss the case with anyone other than Internal Affairs. Deputy Fettis said she understood and the following is a summary of what she told me:

On Saturday, March 7, 2015, Deputy Fettis was working the South Watch with Deputy Moore and CSA Eisen when they were approached by Inmate [REDACTED]. Fettis stated [REDACTED] approached and asked them for a grievance slip. Fettis stated they had spoken to [REDACTED] earlier so they asked [REDACTED] if her problem was something they could handle at a Deputy's level.

[REDACTED] stated she felt comfortable talking with them since they had spoken earlier and told them she wanted the grievance form because she saw a Deputy who she had an incident with a while back. [REDACTED] told them the Deputy asked for her phone number and email address. After hearing this, they asked if [REDACTED] saw the Deputy at the Musick facility and when she saw him. [REDACTED] identified the Deputy as Patric O'Brien and stated she saw him recently. [REDACTED] did not specifically mention she was being sexually harassed, but stated she felt uncomfortable giving O'Brien her phone number. [REDACTED] gave O'Brien her email address.

After Deputy Moore reported the incident to the Sergeant, [REDACTED] stated she felt like she was being punished. [REDACTED] was reassured she was not in trouble and was told that being moved was something that needed to be done. Deputy Moore wrote a report of the incident. Lieutenant Nester advised Deputy Fettis, Deputy Moore, and CSA Eisen to not talk about the incident.



At no time did [REDACTED] mention being physically touched by O'Brien or that he called her on the phone. However, Fettis remembered [REDACTED] stating O'Brien contacted her by email. Fettis stated she has never seen Deputy O'Brien alone with [REDACTED] or any other female inmate while working at the Musick facility, but did say it was possible for Deputy O'Brien to be alone with a female inmate due to his current assignment.

Interview with Deputy Moore by Sergeants Graham and Asuncion

On 4-23-15, at approximately 1418 hours, Sergeant Asuncion and I conducted an interview with Deputy Moore who understood she was a witness in this investigation. Deputy Moore was advised that everything discussed was confidential and she was ordered not to discuss the case with anyone other than Internal Affairs. Deputy Moore understood and the following is a summary of what she told me:

On Saturday, March 7, 2015, at approximately 1620 hours, Deputy Moore stated she was working the South Watch with Deputy Fettis and CSA Eisen when they were approached by Inmate [REDACTED] from A dorm. [REDACTED] asked for a grievance slip. Moore identified the inmate as [REDACTED] and mentioned she had spoken to [REDACTED] earlier that day about [REDACTED] personal life. Moore stated she regularly speaks with the younger inmates and tries to assist in giving advice or resources to help them stay out of jail.

Approximately 10 minutes after returning to A dorm, [REDACTED] exited and asked Moore for a grievance slip. [REDACTED] stated something happened to her at the Women's Jail during her last incarceration. Moore asked if she could help resolve the issue. [REDACTED] told Moore she felt comfortable talking to them and stated a male Deputy asked for her contact information. [REDACTED] told Moore she gave the male Deputy her email address. [REDACTED] was not going to say anything because she was scared, but decided to report the incident when she saw the male Deputy working at the Musick facility. [REDACTED] identified the male as Deputy O'Brien. After hearing this, Moore told [REDACTED] to not say anything and she informed Sergeants Corwin and Witteman of the incident. Moore was instructed to re-interview [REDACTED]

During Moore's re-interview, [REDACTED] stated O'Brien emailed her a couple times. [REDACTED] described the email exchange as Deputy O'Brien writing, "Hi, can you email me back.", and [REDACTED] replying, "Hi." O'Brien sent a second email, but [REDACTED] did not respond. [REDACTED] told Moore "all the real juicy stuff and bad stuff" occurred when they were in the vestibule, and the reason she gave O'Brien her email address was because she was scared about the situation. [REDACTED] did not accuse O'Brien of touching her and he did not give or promise her anything. [REDACTED] was eventually transferred to the IRC. At no time did Moore see O'Brien alone with Houser or any other female inmate. [REDACTED] told Moore her email account was still active and she saved the email exchanges with Deputy O'Brien.



Interview with CSA Eisen by Sergeants Graham and Asuncion

On 4-23-15, at approximately 1435 hours, Sergeant Asuncion and I conducted an interview with CSA Eisen who understood she was a witness in this investigation. CSA Eisen was advised that everything discussed was confidential and she was ordered not to discuss the case with anyone other than Internal Affairs. CSA Eisen understood and the following is a summary of what she told me:

On Saturday, March 7, 2015, at approximately 1620 hours, Eisen stated she was working the South Watch with Deputies Moore and Fettis when they were approached by a blond, white, female inmate (identified as [REDACTED] from A dorm who asked them for a grievance slip. [REDACTED] told them she wanted to file a grievance against a male Deputy who was currently working at the Musick facility. The incident occurred downtown and happened during her previous incarceration.

[REDACTED] identified the male Deputy as "P. O'Brien", who was working as the Musick medical prowler. [REDACTED] gave O'Brien her email address because she didn't want to get into trouble. O'Brien contacted her by email about "meeting up". After talking with the female Deputies earlier that day, [REDACTED] said she felt comfortable and wanted to report the incident.

[REDACTED] did not accuse O'Brien of touching her and he did not give or promise her anything. Eisen has not seen O'Brien alone with [REDACTED] or any other female inmates while at the Musick facility. Eisen has not spoken to O'Brien about the incident.

Interview with Deputy Patric O'Brien by Sergeants Graham and Asuncion

On Thursday, May 7, 2015, I conducted an in-person interview with Deputy Patric O'Brien. This interview was conducted in an interview room inside the Internal Affairs office. Also present for the interview was AOCDS representative David Goldwasser and Sergeant Virgil Asuncion of Internal Affairs. Prior to conducting the actual interview, I provided Deputy O'Brien with the Confidentiality Directive, Miranda Advisement, and the Lybarger Admonishment for his review. I asked him if he had any questions about his Miranda rights or the Lybarger admonishment and he said he did not. This interview was digitally recorded at about 1530 hours. The following is a summary of our conversation:

Deputy Patric O'Brien has been employed with the Sheriff's Department for 10 years. Deputy O'Brien is familiar with OCSD policies and acknowledged to signing on to Lexipol and accepting the policy manual. However, Deputy O'Brien admitted to not reading all the policies. Deputy O'Brien was given Policies 1018.43(a) – FRATERNIZATION, 1018.55 - PROHIBITED ACTS OR OMISSIONS, and 1018.1 – STANDARD OF CONDUCT for his review. After he read the policies, Deputy O'Brien stated he was familiar with them. Deputy O'Brien does not remember getting an email update from SAFE regarding the fraternization policy, but admitted to knowing that SAFE sends department wide policy email updates and it is his responsibility to familiarize himself with policy updates.



Deputy O'Brien is currently assigned to the James A. Musick facility and has been there since February or March of 2015. Prior to the JAMF, Deputy O'Brien was assigned to the Central Women's Jail from April of 2012 to September of 2014 and to the Central Men's Jail from September 2014 to February/March 2015. Deputy O'Brien stated he worked at the Central Women's Jail for approximately two and a half years and worked every position at the facility. Prior to leaving the Women's Jail, Deputy O'Brien told me he was assigned as the second floor Prowler Deputy. This assignment included "G, H, and I" housing units, as well as the vestibules. Deputy O'Brien stated there are two cameras that record video surveillance from each inmate release area of G vestibule. During his time working G vestibule, Deputy O'Brien stated he would have "one on one" conversations with female inmates "all the time".

I asked Deputy O'Brien, "Did you ever hold any female inmate back in G vestibule to have a "one on one" conversation with them.

Deputy O'Brien replied, "It's possible. Yes, Sir."

I asked him if that was a yes, and he replied, "Yes, Sir."

I asked Deputy O'Brien, "What was the nature of those conversations?"

Deputy O'Brien replied, "It could be anything. Um visits, medical, mental health, Uh, it could be courts."

I asked Deputy O'Brien, "Did you ever talk about any personal matters?" He replied, "No, Sir. No."

I asked Deputy O'Brien, "Have you ever asked for or received any personal contact information from any inmate?"

Deputy O'Brien replied, "Yes Sir, I did." **(INVESTIGATIVE NOTE: Deputy O'Brien denied ever talking about personal matters.)**

I asked Deputy O'Brien, "How many times and how many different inmates?" He replied, "Uh, I did with that one particular inmate if I think that I know who you are talking about. One time."

I asked Deputy O'Brien, "One time, just one inmate?" He replied, "Yes, Sir."

Sergeant Asuncion asked Deputy O'Brien, "Who was that inmate?"

He replied, "I don't even remember her name."

I asked, "Okay, was it more than one inmate, or was it one inmate?"

He replied, "I've, I've talked to a couple inmates actually, yes."

I asked, "Did you ask for personal information from more than one inmate?"



He replied, "Yes, Sir." (INVESTIGATIVE NOTE: Deputy O'Brien contradicts his previous answers of admitting to only one inmate, and stating "One time.")

I asked Deputy O'Brien, "Do you remember any of those inmates' names?"

He replied, "Just one." (INVESTIGATIVE NOTE: Deputy O'Brien contradicts his previous answer of "I don't even remember her name.")

Deputy O'Brien told me, "Um, [REDACTED] is the last name." He spelled it [REDACTED] and stated her first name is, [REDACTED]" (INVESTIGATIVE NOTE: [REDACTED] was in OCSD custody from [REDACTED])

Sergeant Asuncion asked Deputy O'Brien, "What was the nature of your conversations with this inmate? You are asking for personal information, so obviously there had to be some kind of conversation, correct?"

O'Brien replied, "I said, how would I contact you on the outside...and uh...she gave me her, uh, email address."

I asked Deputy O'Brien, "What other information did she give you?" Sergeant Asuncion asked him, "Any phone numbers or anything like that?"

O'Brien replied, "No, no Sir."

After hearing this information, I asked Deputy O'Brien about my previous question regarding him talking to any inmate about personal matters and if he considered [REDACTED] personal email a discussion about a "personal matter."

Deputy O'Brien replied, "I do not sir, No...I considered it asking for information...I just asked her how I would get into contact with her and she told me email." (INVESTIGATIVE NOTE: O'Brien admitted to asking for personal information but doesn't consider it a personal matter.)

Deputy O'Brien told me he couldn't count the number of times he spoke to [REDACTED] because she was a worker and he saw her on a daily basis.

I asked Deputy O'Brien, "Besides Miss [REDACTED] how many other female inmates did you ask for information from?"

He replied, "There was another girl...she was uh... I don't remember her name...but I do remember she was tall and skinny...she was in uh G vestibule." (Investigative note: The "tall and skinny" girl was later identified by Deputy O'Brien as [REDACTED] who is the original complainant in this case.)

Sergeant Asuncion asked Deputy O'Brien, "So, two total?"



O'Brien replied, "Yes, Sir." (INVESTIGATIVE NOTE: Deputy O'Brien contradicts his previous answers of admitting to only one inmate.)

I asked Deputy O'Brien, "Only Two? And that's for the whole two and a half years you worked in the women's jail?"

He replied, "Yes, Sir."

I told Deputy O'Brien to give me a date when the incident with [REDACTED] O'Brien told me, "Uh, right about the time I was transitioning to the Men's jail. So, the last month I would say." (September was the last month he worked at the Women's jail).

I asked Deputy O'Brien when the incident with the "tall skinny" female [REDACTED] occurred. He replied, "I'm sorry, what about her."

Sergeant Asuncion asked Deputy O'Brien, "When did you contact her [REDACTED] and where did you get her contact information?"

O'Brien replied, "Uh, It was, it was in the vestibule. I mean, I didn't, I never, I never did get her, uh, information."

Sergeant Asuncion asked Deputy O'Brien, "You never got her [REDACTED] information, because...?"

He replied, "I did ask her, I don't know."

Sergeant Asuncion asked Deputy O'Brien, "You asked her [REDACTED] for what? Phone number, email? What did you ask for?"

He replied, "I don't remember."

I asked Deputy O'Brien, "But you never received her [REDACTED] info?"

He replied, "No."

I asked Deputy O'Brien, "You don't remember her name?"

He replied, "No."

Sergeant Asuncion asked Deputy O'Brien, "Reference this [REDACTED] so you got her [REDACTED] contact information and you had some conversations with her while she was a worker. Any of those conversations inappropriate?"

O'Brien replied, "No, no sir."

Sergeant Asuncion asked, "It was always business?"

O'Brien replied, "Well it wasn't business, but it was nothing like inappropriate."



Sergeant Asuncion defined appropriate conduct for a Deputy Sheriff to Deputy O'Brien and again asked him if any of his conversations were inappropriate.

O'Brien replied, "The way that you say so, Yes sir."

Sergeant Asuncion asked Deputy O'Brien, "Were any of those conversations sexual in nature?"

He replied, "No, sir."

Sergeant Asuncion asked Deputy O'Brien, "What kind of questions, what kind of topics are we talking about?"

O'Brien replied, "Um, work related, I mean, I had nothing...Uh...personal like information that I gave to her or she gave to me...Uh...like my own personal life or anything like that."

I asked Deputy O'Brien, "But you decided to ask for her email address?" **(INVESTIGATE NOTE: Contradicts his previous statement of receiving personal information from [REDACTED])**

I asked Deputy O'Brien, "Did you end up contacting or emailing [REDACTED]?"

O'Brien replied, "We did have...uh...we did contact each other."

Sergeant Asuncion asked Deputy O'Brien, "How long were you contacting each other?"

He replied, "A couple weeks I think."

Sergeant Asuncion asked Deputy O'Brien, "Do you still keep in contact with her?"

He replied, "No, sir."

Sergeant Asuncion asked Deputy O'Brien, "Within those couple weeks, approximately how many emails were sent back and forth between you two?"

He replied, "You know, I don't recall, but uh."

Sergeant Asuncion asked Deputy O'Brien, "More than 10?"

He replied, "Oh no. Oh, I think it was uh, we exchanged cell phone information and we texted...texted back and forth." **(INVESTIGATIVE NOTE: Contradicts previous statement of "No, no Sir." when we asked O'Brien if he received any other information or phone numbers from [REDACTED])**

Sergeant Asuncion asked Deputy O'Brien, "Have you ever talked to [REDACTED] on the phone?"

He replied, "Yes, sir."



Sergeant Asuncion asked Deputy O'Brien, "The nature of the phone conversations, were they sexual in nature?"

O'Brien stated, "Oh. No, sir."

Sergeant Asuncion asked Deputy O'Brien, "So what kind of topics are we talking about if we are now off duty and talking on our personal phone to a former inmate?"

He replied, "You know, I seriously I don't recall. But, Uh, I said something about, you know, getting to able to meet her. And uh, we just, we just were never really able to hook up at all."

I asked Deputy O'Brien, "When was the last time you texted or emailed [REDACTED]?"

He replied, "It was September...I'd say...Uh, I think it was when, until she got out...I don't recall when she exactly did get out, but I want to say it was, uh, before the end of 2014. **(O'Brien admitted to texting her after she was released but can't recall when this occurred.)**

I asked Deputy O'Brien, "How many times did you meet [REDACTED]?"

O'Brien replied, "I, uh, did meet her one time."**(INVESTIGATIVE NOTE: Contradicts his previous statement, "And uh, we just, we just were never really able to hook up at all.")**

I asked Deputy O'Brien, "Where was that?"

He replied, "Uh, in Anaheim."

I asked Deputy O'Brien, "Where?"

He replied, "I don't recall. She needed a ride and I gave her a ride from wherever she was to a friend's house."

Sergeant Asuncion asked Deputy O'Brien, "Where did you drop her off?"

He replied, "At her friend's house."

Sergeant Asuncion asked Deputy O'Brien, "Where was that?"

He replied, "And I don't recall either."

Sergeant Asuncion asked Deputy O'Brien, "You don't know what city?"

He replied, "I'm assuming it's still Anaheim. I tried to find her on, what she was telling me on GPS. It was early in the morning, probably like 5 or 6 in the morning. Uh, I finally found her. I drove her, uh, to the friend's house and then that was the last time I..."

I asked O'Brien, "Was it your day off?"



He replied, "Yes."

I asked O'Brien, "And where do you live?"

He replied, "Huntington Beach."

I asked O'Brien, "So you drove from Huntington Beach to Anaheim at 5 or 6 in the morning to pick [REDACTED] up and you have no idea where it was?"

He replied, "Correct."

I asked O'Brien, "And then you drove [REDACTED] to a friend's house, and you don't know where that was?"

He replied, "Correct."

I asked Deputy O'Brien, "Did you shake her hand or touch [REDACTED] at all?"

He replied, "I think I may have touched her, but."

I asked O'Brien, "Where?"

He replied, "I mean, on the shoulder."

I asked O'Brien if he gave [REDACTED] a kiss or a hug.

He replied, "No."

Sergeant Asuncion asked O'Brien, "When was this?"

He replied, "I really don't recall."

I asked O'Brien, "Was it before Christmas or was it after Christmas?"

He replied, "I don't even remember. I'm trying to think of holidays, like you said Thanksgiving or something like that to refresh my memory, but I really don't remember."

I asked O'Brien, "So you picked [REDACTED] up from this location and she got in the front passenger seat?"

He replied, "Yes sir."

I asked O'Brien how long he drove and how long was the trip.

He replied, "It wasn't very long...15 minutes."

I asked O'Brien, "During that whole drive time, did [REDACTED] touch you at all?"



He replied, "No sir."

I asked O'Brien, "So, [REDACTED] just sat in the passenger seat, you dropped her off, you touched her on the shoulder, and that was it?"

He replied, "I, I understand what you are talking about. I uh, saw that she was high and I don't like that."

I asked O'Brien, "You knew she was high?"

He replied, "Yeah. I didn't want anything to do with that."

I asked O'Brien, "Was she on the corner when you picked her up?"

He replied, "She was on the sidewalk, yes."

I asked O'Brien, [REDACTED] was on the sidewalk and you knew she was high?"

He replied, "Well not until I was talking to her."

I asked O'Brien, "You didn't pull over and tell [REDACTED] you don't approve of this and you need to get out."

He replied, "I said, tell me where I can take you to a friend's house, and uh, and that's it."

I asked O'Brien, "Have you taken a DRE or DAR course or did you just know she was high."

O'Brien stated, "I could just tell by the way she was acting."

I asked O'Brien, "You didn't think, hey you know what, I might, I should probably call a Deputy Sheriff. Or, maybe I don't know, get her some help, or put her back in jail for being under the influence. Instead, you just drove her to a location and let her go. Is that what you did?"

He replied, "Yes, Sir."

I asked O'Brien, "Did you see where [REDACTED] went after that?"

He replied, "No, Sir."

I asked O'Brien, "So you dropped her off on a corner?"

He replied, "No. It was in front of a friend's house."

I asked O'Brien, "And then you drove off?"

He replied, "Then I drove away."



I asked O'Brien, "And you don't know where she went?"

He replied, "No sir."

Sergeant Asuncion asked O'Brien, "Have you heard from her since?"

He replied, "No, Sir."

Sergeant Asuncion asked O'Brien, "That was the last time you ever contacted or saw [REDACTED]"

O'Brien replied, "Yes sir."

I asked O'Brien, "You never touched [REDACTED] except on the shoulder?"

He replied, "Yes sir."

I asked O'Brien, "And [REDACTED] never touched you?"

He replied, "No sir."

I asked O'Brien, "You admitted giving your phone number to [REDACTED] correct?"

He replied, "Yes sir."

I asked O'Brien, "You emailed several times?"

O'Brien replied, "Well, I think it was just maybe once."

I asked O'Brien, "You emailed only once?"

He replied, "I don't recall. We exchanged cell phone information."

I asked O'Brien, "Via email?"

O'Brien replied, "I think so, yeah."

I asked him, "You're not sure?"

O'Brien replied, "I'm not sure."

I asked O'Brien, "So, besides those two inmates [REDACTED] and the tall skinny girl [REDACTED], no contact with other female or male inmates?"

He replied, "No, Sir."



I asked O'Brien, "What was your intention with picking her [REDACTED] up? Were you trying to establish a dating relationship with her, or did you think she was pretty? Why would you get up at 5 or 6 in the morning? What were you thinking?"

He replied, "Because she needed help."

I asked O'Brien, "So, you were trying to help [REDACTED]"

He replied, "Yes, Sir."

Sergeant Asuncion asked him, "Did she call you that morning and say I need help?"

He replied, "Yes, Sir."

Sergeant Asuncion asked, "What did she need help with?"

O'Brien replied, "She said she had nowhere to go. That's what she told me and she was left on the sidewalk. She didn't know what to do."

Sergeant Asuncion asked him, "So she called you?"

He replied, "Yes, Sir."

Sergeant Asuncion asked, "To drop her off at a friend's house?"

O'Brien replied, "Yes, Sir. I think I convinced her to uh, there's got to be a friend that can help you, take you in."

Sergeant Asuncion asked, "Did you offer to help her, like as in, take her in?"

O'Brien replied, "No, sir."

I asked O'Brien, "So you weren't trying to, maybe, start a dating relationship with [REDACTED]"

He replied, "No. I uh, thought. I thought about it but.." (**Investigative note: O'Brien shrugged his shoulders when asked this question. His facial expressions and body language appeared to be agreeing that he was trying to establish a relationship.**)

I commented on O'Brien's shoulder shrug and mentioned our previous conversation about honesty. I asked him a second time, "Did you want to date her? Is that why?"

He replied, "I thought that maybe something could happen later on in the future."

I asked O'Brien, "What was the Gmail or email address you used to contact the inmates?"

O'Brien replied, "I don't recall if it was [REDACTED]"



I asked O'Brien, [REDACTED]"

He replied, "It may have been, I don't recall."

I asked O'Brien, "What could have been the other one?"

He replied, "I have, uh, one under apple. I think it's [REDACTED] and another one at [REDACTED]"

I asked O'Brien, "You are not sure which one it was?"

Deputy O'Brien stated, "No, no sir."

I asked O'Brien, "Can I ask why you have all these email accounts?"

He replied, "Because they gave them to me."

I asked O'Brien, "And you use them all?"

O'Brien replied, "It depends. I use some for family and some for friends."

Sergeant Asuncion asked O'Brien, "Which one is the family one?"

O'Brien stated, "I do the iCloud for family."

I asked O'Brien, "What is the Apple one for?"

He replied, "It's one that they gave me."

I asked O'Brien, "Do you talk to people regularly through that Apple address?"

He replied, "No, the way that the emails come up, I don't know necessarily, because it goes to, uh, all emails, so I don't know, whose, which one there..."

I asked O'Brien, "So you never, you are telling me right now, and like I said be honest with me, you never had a relationship with this female [REDACTED]"

He replied, "No, Sir."

I asked O'Brien, "Anything sexual?"

He replied, "No, Sir."

I asked O'Brien, "Nothing physical?"

He replied, "No."



Sergeant Asuncion asked O'Brien, "How about the other inmate [REDACTED]"

He replied, "No."

I asked O'Brien, "But you tried to establish a relationship through contacting [REDACTED]"

He replied, "I wouldn't consider that establishing a personal relationship. But..."

I told O'Brien, "You just told me you thought about dating [REDACTED] that it might lead into something like that."

O'Brien replied, "In the future." **(INVESTIGATIVE NOTE: Again, contradicting whether he was trying to establish a personal relationship with [REDACTED])**

I asked O'Brien, "Do you know or remember an inmate named [REDACTED]"

He replied, "That's, that's the girl."

I asked O'Brien, "Which one?"

O'Brien replied, "The tall skinny one."

I told O'Brien, "You said you never called [REDACTED] and you never talked to her."

Sergeant Asuncion asked, "You never contacted [REDACTED]"

I told O'Brien, "You said you never received her info."

O'Brien replied, "I think I said, how do I get ahold of you. And I don't recall, uh, if she said I'm on Facebook or if I'm, uh, if she gave me."

I asked O'Brien, "So you did get [REDACTED] info? So, what you told me before isn't true? Because you said you never received [REDACTED] info."

O'Brien replied, "Now that you are mentioning the name, I do remember that I did email her." **(INVESTIGATIVE NOTE: Deputy O'Brien now admits not only getting [REDACTED] information, but also emailing her. His initial statement about [REDACTED] was, "I mean, I didn't, I never, I never did get her, uh, information.")**

I asked O'Brien, "How many other females did you ask for their information and not get it?"

He replied, "Nobody Sir."

I asked O'Brien, "Did you ever hold [REDACTED] back in the vestibule, so you could have conversations with her?"

He replied, "The one time, yes sir."



I asked O'Brien, "What was the nature of that conversation?"

He replied, "I asked her if I can somehow get ahold of her or contact her on the outside."

I asked O'Brien, "Did you ever tell [REDACTED] she was pretty?"

He replied, "I don't recall saying that."

I asked O'Brien, "Could you have?"

He replied, "I don't think so."

I asked O'Brien, "Did you ever tell [REDACTED] you wanted to have an intimate relationship with her when she got released?"

He replied, "No, Sir."

I asked O'Brien, "Did you ever give [REDACTED], Miss [REDACTED] or any other female inmate anything of value at work that you weren't supposed to?"

He replied, "No, no Sir."

I asked O'Brien, "Now that you remember, what information did [REDACTED] give you?"

He replied, "Uh, she must have given me an email, I don't recall. Like I said, I think it might have been, how do I get ahold of you and I think she said Facebook. I don't recall."

I asked O'Brien, "Did you contact [REDACTED] after she got out?"

He replied, "Yes."

I asked O'Brien, "But you don't remember how?"

He replied, "I think it was email, but I'm not sure."

Sergeant Asuncion asked O'Brien, "What did you put in that email?"

O'Brien replied, "I don't recall."

Sergeant Asuncion asked, "Would you still have that email? It's on your personal account right?"

O'Brien replied, "I, I don't know if I would or not."

Sergeant Asuncion asked him, "Have you deleted that email?"



O'Brien replied, "I usually delete the emails after like a certain period of time, so I don't know if I would..."

I asked O'Brien, "Do you remember how many times you contacted [REDACTED]?"

He replied, "Just the one time."

I asked O'Brien, "Did you ever meet [REDACTED]?"

He replied, "No Sir."

I asked O'Brien, "So when you contacted [REDACTED] did she end up contacting you back?"

He replied, "No."

I asked O'Brien, "[REDACTED] never got back to you?"

He replied, "I don't recall that she did."

I read Deputy O'Brien his email history and asked him to let me know if it sounded familiar. The email history was titled "I HEARD YOU WERE RELEASED". The email was from O'Brien's Gmail account and was dialog between him and [REDACTED]. After reading the email, I asked O'Brien if he recalled the email conversation.

He replied, "Yes, Sir." **(INVESTIGATIVE NOTE: Contradicts O'Brien's previous statement of contacting [REDACTED] "Just the one time.", and his previous statement of "No." when asked if [REDACTED] contacted him back.)**

I asked O'Brien, "When I asked you before if [REDACTED] contacted you back, you told me "No", correct?"

He replied, "I don't remember her contacting me back."

I asked O'Brien, "But now you do remember?"

He replied, "After you read that, yes sir."

After telling O'Brien that we knew [REDACTED] was released on 9-16-15 and he email her on 9-17-15, Sergeant Asuncion asked Deputy O'Brien, "How did you know she was released?"

He replied, "I think that I was at work and I realized she wasn't there."

Sergeant Asuncion asked O'Brien, "How did you realize she wasn't there? Did you do a count, did you look her up on AJS, how did you know?"



He replied, "Uh, when you are walking in the hallways you can see the inmates and you know where they are sleeping. So, I noticed she wasn't in her bunk assignment. I'm assuming. I don't recall." **(INVESTIGATIVE NOTE: O'Brien appeared to have a vivid recollection of [REDACTED] not being on her bunk and remembering when he realized she wasn't in custody anymore. However he doesn't remember emailing her the next day.)**

Sergeant Asuncion asked O'Brien, "Did you ever check [REDACTED] up on the AJS jail system or run her criminal history?"

He replied, "No sir." **(INVESTIGATIVE NOTE: Per Sheriff's communications, O'Brien did not have any records of checking female inmates (local arrests/ELETE) with his sign-in while working at the Women's jail.)**

I asked O'Brien, "You never physically touched [REDACTED] in custody or met up with her out of custody?"

He replied, "No sir."

I asked O'Brien, "Besides [REDACTED], did you ever meet any other inmate outside of custody?"

He replied, "No sir."

I asked O'Brien, "Have you ever had any sexual relationships with any former inmates?"

He replied, "No sir."

I asked O'Brien, "Have you ever gone on any dates with any former inmates?"

He replied, "No sir."

I asked O'Brien, "The day that you picked Miss [REDACTED] up, was that a onetime deal?"

He replied, "Yes sir."

I asked O'Brien, "Has [REDACTED] been back in custody?"

He replied, "I don't know."

I asked O'Brien, "You haven't seen [REDACTED] since that day?"

He replied, "No sir."

I clarified, "You haven't seen her since that day you dropped her off?"

He replied, "No sir."

I asked O'Brien, "Have you seen Miss [REDACTED]?"



He replied, "No sir."

I asked O'Brien, "In March of this year at the farm, the JAMF, did you see [REDACTED] and smile?"

He replied, "No."

I asked O'Brien, "With these questions in mind, do you think it was appropriate to ask [REDACTED] or [REDACTED] for their personal information?"

He replied, "No sir."

I asked O'Brien, "Do you think it was appropriate to contact these females?"

He replied, "No sir."

I asked O'Brien, "Did you notify your Division Commander and get authorization to contact [REDACTED] or [REDACTED] and solicit a relationship with them?"

He replied, "No sir."

I asked O'Brien, "After contacting [REDACTED] and [REDACTED] did you notify your immediate supervisor in a memo as policy states?"

He replied, "No sir."

I asked O'Brien, "Back when you first read these policies, let's be honest, you knew you were violating policy, didn't you? You knew you shouldn't be doing what you were doing?"

O'Brien replied, "I knew that was inappropriate."

I asked O'Brien, "From the get go?"

He replied, "Yes sir."

I asked O'Brien, "What would you do different right now?"

He replied, "I would not want to work at the Women's jail I guess, I don't know."

I asked O'Brien, "Why, you can't trust yourself?"

O'Brien replied, "No it's not that, I just, I don't know why at the end there, I was just not being myself, out of character."

Sergeant Asuncion asked O'Brien, "Why?"

He replied, "Uh, like at the Academy, there is no excuses, so."



Sergeant Asuncion asked O'Brien if there was a reason why O'Brien was out of character. AOCDS representative David Goldwasser asked O'Brien if there was any professional or any personal reason, anything that would help them understand why?

O'Brien replied, "Again, there is no excuse, uh, I was recently divorced... but that wasn't, uh... I don't have a good answer for why I was just seeking something else elsewhere, and that was inappropriate, and I'm sorry that happened."

I asked Deputy O'Brien if any of the female inmates ever showed him their private body parts.

He replied, "No, no Sir."

I asked O'Brien, "Have you ever exposed yourself to any of the inmates?"

He replied, "No, sir."

I asked O'Brien, "Have you ever promised any female inmate anything outside of custody?"

He replied, "No, sir."

Sergeant Asuncion referenced O'Brien's previous comments about if he could do things all over again he wouldn't work at the Women's jail.

Sergeant Asuncion asked O'Brien, "What is the difference between working at the Farm and the women's jail because there are females at the Farm too?"

O'Brien replied, "I don't know if it was how I was feeling at the time, or the environment. I, I don't know, I had a good experience there, don't get me wrong, but uh."

Sergeant Asuncion told O'Brien the issue is going to be with the Executive Staff looking at this situation, identifying a possible pattern, him being surrounded by female inmates at the Farm, and whether they can trust him. Sergeant Asuncion asked O'Brien what he would say to the Executive Staff if asked whether he could be trusted.

O'Brien replied, "Uh, I would say that I, had uh, a lapse in judgment during that time in September, and uh, again there is no excuse for it, uh."

Sergeant Asuncion asked O'Brien, "Who's to say that you might have a lapse in judgment again? That will be the concern."

O'Brien replied, "Of course, of course sir. Uh, again, and I hold myself in high standards and high regard. And uh, you know, I think that's why, especially seeing, uh, [REDACTED] the way that she was. It's like, I do not need to get involved in this, I don't need to put myself in this situation. And at the time, I was transferring to the Men's Jail and I thought it was a good thing to be moving on. Um, and I, the only thing I can tell you is that I can guarantee you that it won't happen again. I know that, it's bad, but it happened."



I asked O'Brien, "So you described this as a lapse in judgment, is that how you would describe it?"

He replied, "Yes, sir."

I asked O'Brien, "Is this the same lapse in judgment when you answered "No" to questions I asked you and then once we got further along in the questioning you started to remember?"

O'Brien replied, "Sir, I wouldn't consider that a lapse in judgment. I'd just consider that you refreshed my memory by telling me about who it was."

I told O'Brien, "My concern is...if you don't remember this, how many other females are there that you don't remember?"

He replied, "But there aren't any other females sir."

I told O'Brien, "Well you didn't remember meeting, you didn't remember conversing, you didn't remember getting a response back, you didn't remember this 11 day - 12 day conversation/email history that I read you. What else don't you remember?"

O'Brien replied, "I don't know what to tell you, except that, you know I, never had a relationship with them. So, I think that's why it's not memorable."

I asked O'Brien, "One more time, are there any other female inmates that you've had contact with via phone, via email, via meeting while they were outside of custody?"

O'Brien replied, "I have run into them by chance, at a Costco, but it was just uh...I've had two different incidences at a Costco, um, but that was just a total fluke. I mean I didn't..."

Sergeant Asuncion asked, "Did you talk to them?"

He replied, "I just said, you know, hi how you doing...you know, uh. But if you asked me who they were, or... I don't remember them, they remembered me."

I asked O'Brien, "Did you end up getting their phone numbers?"

He replied, "No, sir."

I asked O'Brien, "Did you converse with them via email?"

He replied, "No."

I asked O'Brien, "Did you ever talk with Miss [REDACTED] and Miss [REDACTED] about department matters or your personal Life?"

He replied, "No, sir."



I asked O'Brien, "You didn't tell them [REDACTED], hey I'm divorced?"

He replied, "No, sir."

AOCDS Representative David Goldwasser asked O'Brien, "Do you have any current interest in dating anybody in custody or out of custody?"

O'Brien replied, "No, sir."

AOCDS Representative David Goldwasser asked O'Brien, "Do you have any, uh, no excuses, do you have any explanation beyond the fact that you were recently divorced and making bad choices at work? Is there anything else out there that would help understand why you took the actions you took?"

O'Brien replied, "Uh, the only thing is, I...not only was I divorced, but I had foreclosure on my home, and bankruptcy, and all within a year...again there is no excuse for."

AOCDS Representative David Goldwasser asked O'Brien, "Do you have those current pressures and stresses in your private life that caused you to make...?"

O'Brien replied, "Oh, no. No sir."

AOCDS Representative David Goldwasser asked, "Right, that is what I'm getting at. As you sit here in this room today, May 2015, have you moved passed the stresses that were in your life at the time that caused you to make these contacts?"

O'Brien replied, "Yes, sir. Um, It was just an eye opener, was you know, seeing her the way she was... And I'm thinking about my kids...And I'm thinking, I don't need this, I don't want them to get involved in that... And um, so I just moved on, and I moved on at the right time too."

Sergeant Asuncion asked O'Brien, "Do you have anything you want to add?"

He replied, "Yes sir. I'm sorry that, you know, that you had to get involved in uh, you know. I can't take back what I did, um, but I'm just sorry that I let the department down, let my family down, and myself."

Deputy Patric O'Brien placed on Administrative Leave

Deputy Patric O'Brien was placed on Administrative Leave on May 7, 2015. Deputy O'Brien was explained the Administrative Leave process and he signed the Notice of Administrative Leave form. Deputy O'Brien was placed on Administrative leave at 1830 hours. His department issued duty weapon [REDACTED], 3 magazines with ammunition, ID cards, badges (uniform and flat [REDACTED]), and three department keys were collected and placed into the Internal Affairs safe pending further investigation.



Inmate [REDACTED]

[REDACTED] was an inmate housed at the Women's Central Jail from May 9, 2014 to November 3, 2014. During this time, Deputy Patric O'Brien worked at the Women's Central Jail and had several contacts with [REDACTED] while she was in custody. Deputy O'Brien and [REDACTED] also had at least one meeting after [REDACTED] was released from custody. O'Brien stated this meeting occurred before the end of 2014 in the city of Anaheim.

I attempted to contact [REDACTED] with her telephone numbers on record, as well as through her friends and family on record. ([REDACTED])

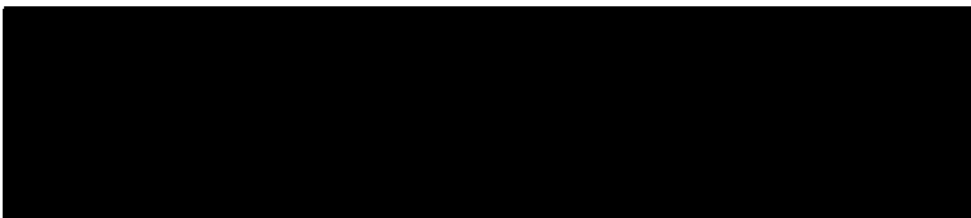
On Sunday, June 7, 2015, I received a text message from [REDACTED]. The message stated, "Hello. My name is [REDACTED] and I hear you have been looking for me? Why?"

On Monday, June 8, 2015, I texted the number back and asked for [REDACTED] to call me at 714-834-5597. At approximately 0720 hours, a female who claimed to be [REDACTED] called and asked me what I wanted. I explained to the female I was conducting an administrative investigation and asked if I could conduct an interview with her regarding one of our employees. The female told me she was not going to cooperate with the investigation or let me interview her without her attorney. The female hung up the phone and was uncooperative with me.

I texted the [REDACTED] phone number and left a message stating I'd appreciate if she would let me interview her. Again, I explained this was not a criminal investigation and just an internal investigation in my message. She replied, "Absolutely not. If you need anything else from me besides "Sorry I can't help you, my attorney is BRIAN KAZARIAN 714-336-5303."

At approximately 0800 hours, I left a message with Brian Kazarian. At 0805 hours, Mr. Kazarian returned my call and I spoke to him regarding the nature of my investigation. Mr. Kazarian stated he would try and get in contact with [REDACTED] to schedule a 3-way phone interview within the next few days.

On Wednesday, June 10, 2015, at approximately 0835 hours, I called Brain Kazarian and spoke with him regarding [REDACTED]. Mr. Kazarian stated [REDACTED] was not going to talk with me on the record about the incident involving Deputy O'Brien. However, Mr. Kazarian told me she did admit to meeting him while out of custody. Kazarian told me [REDACTED] mentioned Deputy O'Brien was "a lonely guy going through a divorce" and he "helped her out with a ride once."

Additional Inmate Interviews

On June 2, 2015, Sergeant Haag and I interviewed the above inmates. These inmates were all housed at the Women's Central Jail while Deputy Patric O'Brien was working there and released after Deputy O'Brien transferred from the Women's jail. They are all currently back in custody on different cases and had the opportunity to meet with or fraternize with Deputy O'Brien during their release periods.

During our interviews, all of the inmates stated they did not have any Deputy solicit their personal information while in custody. Also, all of the inmates stated they have never been contacted by any Deputy while they were out of custody.

Video Review

██████████ was not in OCSD custody on August 14th, 2014 when she alleged Deputy O'Brien made inappropriate comments to her (as she stated in her interview). Therefore, the video footage was not reviewed for that day. However, the video footage from September 11, 2014 to September 13, 2014 was reviewed. These were the last days Deputy O'Brien worked at the Central Women's Jail while ██████████ was in OCSD custody and the last opportunities for Deputy O'Brien to have contact with ██████████

There are two separate cameras that record different angles in the G vestibule. One angle is recorded from the North and the other is recorded from the South. Both cameras are recorded simultaneously and are fed to one VHS recorder in the central recording hub (IRC Video Room). There are also 14 other cameras throughout the Central Women's Jail that are fed to this one VHS recorder. Due to these 16 cameras feeding to one VHS recorder, the recordings are pieced into half second/ to one second video clips that rotate from each of the 16 cameras. Also, this particular VHS recorder produces poor images that are either unrecognizable, or not easily recognizable. Based on the video segments I watched, I was unable to see or find any images or material related to this case.

IRC Administrative Sergeant (William West) advised in September 2014, the IRC was renovated and all of the VHS recording equipment was replaced with Digital Video Recorders, along with advanced recall software. However, these 16 cameras from the Women's Central Jail have yet to be converted to the newer digital video recording system. Due to the 24/7/365 aspect of the VHS, the recording equipment began deteriorating and it became common for portions of the recordings to become unavailable.

Included for Review

1. Initial Action
2. Personnel Investigation Summary
3. Memo from Deputy Moore to Lieutenant Jensen
4. Email from Lieutenant Jensen to Captain Krueger
5. Memo from Captain Krueger to Commander Bland
6. Email history between Deputy O'Brien and ██████████
7. Information for ██████████
8. Information for ██████████
9. Internal Affairs Interviews (CD)



MEMO FROM CAPTAIN KRUEGER TO COMMANDER BLAND

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Commander Bland
FROM: Captain M. Krueger
DATE: March 10, 2015
RE: Deputy Patric O'Brien #0698

On Saturday 3-7-15 at about 1640 hours I spoke to Lt. Mike Jensen on the telephone regarding a complaint from a female inmate regarding Deputy Patric O'Brien #0698. The female inmate alleged Deputy O'Brien requested her contact information when she was at the Central Women's Jail in August of 2014. She alleged he (Deputy O'Brien) had e-mailed her on two separate occasions afterwards while not in-custody. While at Musick the female inmate claims she saw Deputy O'Brien working here which caused her to disclose the information because she felt uncomfortable. According to "In-Time" records Deputy O'Brien was assigned to the Central Women's Jail from 4-6-12 to 9/18/14. He was later assigned to the Central Men's Jail from 9/19/14 to 1/22/15. Deputy O'Brien was recently transferred to the Musick facility on 1/23/15 from the Central Men's Jail.

I asked Lt. Jensen to have Deputy Moore document the information she received from the female inmate in a memo to him. I additionally asked that Lt. Jensen call and speak with Lt. Jason Danks from PSD to make him aware of the allegation. The female inmate was transferred to the IRC pending a personnel investigation since Deputy Patrick O'Brien is currently assigned to the Musick facility. Lt. Jensen e-mailed me Deputy Moore's memo and copied Lt. Danks and Commander T. Bland on Saturday at 1811 hours.

Based upon the information provided of this allegation I am requesting this be investigated by PSD for a violation of OCSD Policy 1018.43(a) Fraternization.

CONCUR COMMANDER Bland



EMAIL FROM LIEUTENANT JENSEN TO CAPTAIN KRUEGER

KRUEGER, MICHAEL J

From: JENSEN, MICHAEL H
Sent: Saturday, March 07, 2015 6:11 PM
To: KRUEGER, MICHAEL J
Cc: BLAND, ANTOINETTE D; DANKS, JASON L
Subject: Inmate [REDACTED]
Attachments: Dep Moore memo.pdf

Captain,

At about 1620 hours today inmate [REDACTED] approached Deputy M. Moore #3947 in the watch of the South Compound at the James A. Musick Facility. Inmate [REDACTED] disclosed a possible violation of OCSD Policy 1018.43(a) Fraternization. Inmate [REDACTED] stated that while she was in-custody at the Women's Main Jail Deputy Patrick O'Brien #0698 (who was working the Women's Jail at the time) asked her for her personal phone number and email address. Inmate [REDACTED] disclosed that she did receive two emails from Deputy O'Brien. Inmate [REDACTED] saw Deputy O'Brien working the Musick Facility today which prompted the discloser to Deputy Moore. For additional details refer to the attached memo from Deputy Moore.

Inmate [REDACTED] is being returned to the IRC to avoid any additional contact with Deputy O'Brien. Deputy O'Brien was not contacted regarding the disclosure.

I refer this incident to Captain Krueger for additional investigation.

Lieutenant Mike Jensen
Orange County Sheriff's Department
James A. Musick Facility
(949) 855-2615

MEMO FROM DEPUTY MOORE TO LIEUTENANT JENSEN



SHERIFF'S DEPARTMENT, ORANGE COUNTY
James A. Musick Facility
Irvine, California



TO: Lt. Jensen

DATE: 03-07-15

FROM: Dep. Moore #3947

INTRA-DEPARTMENT MEMO

RE: Inmate [REDACTED]

On Saturday, March 07, 2015 I was in the South Watch with Dep. Fettis #4063 and CSA Eisen #4517. At approximately 1620 hours, Inmate [REDACTED] came out of A Dorm and asked for a grievance. I asked her why and if there was something we could take care of right now. [REDACTED] said no it was about something that had happened the last time she was in jail. I asked her when that was and she said August of 2014.

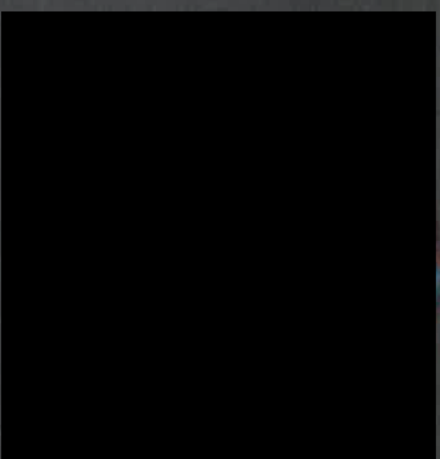
[REDACTED] said she felt comfortable enough to tell us that a male Deputy at the CWJ had asked her for her contact information. I asked her what information and she replied, "He asked me for my phone number and email address." [REDACTED] said she was scared and only gave him her email address. [REDACTED] said, she wasn't going to say anything about Dep. O'Brien #0698 until she saw him three days ago here at the JAMF. I immediately stopped her from telling us anymore and told her I would go and speak to my supervisor.

I contacted Sgt. D. Corwin #6885 and Sgt. R. Witteman #4332 and told them what [REDACTED] had said. Both Sergeants and I went and spoke with Lt. M.Jensen #2432.

As requested by Sgt. Corwin I spoke to [REDACTED] again. I asked [REDACTED] if Deputy O'Brien had emailed her and she said, "Yes, Dep. O'Brien had emailed her two times." She said the first email simply asked, hi how are you doing can you email me back. [REDACTED] said she responded back, "Hi, not much." [REDACTED] said he emailed her back again but she did not respond. Without asking her, [REDACTED] told me, "The really juicy and bad stuff was when he talked to me in "G" vestibule.

[REDACTED] said the email account is still active and she has Dep. O'Brien's emails saved.

EMAIL HISTORY BETWEEN DEPUTY O'BRIEN AND [REDACTED]



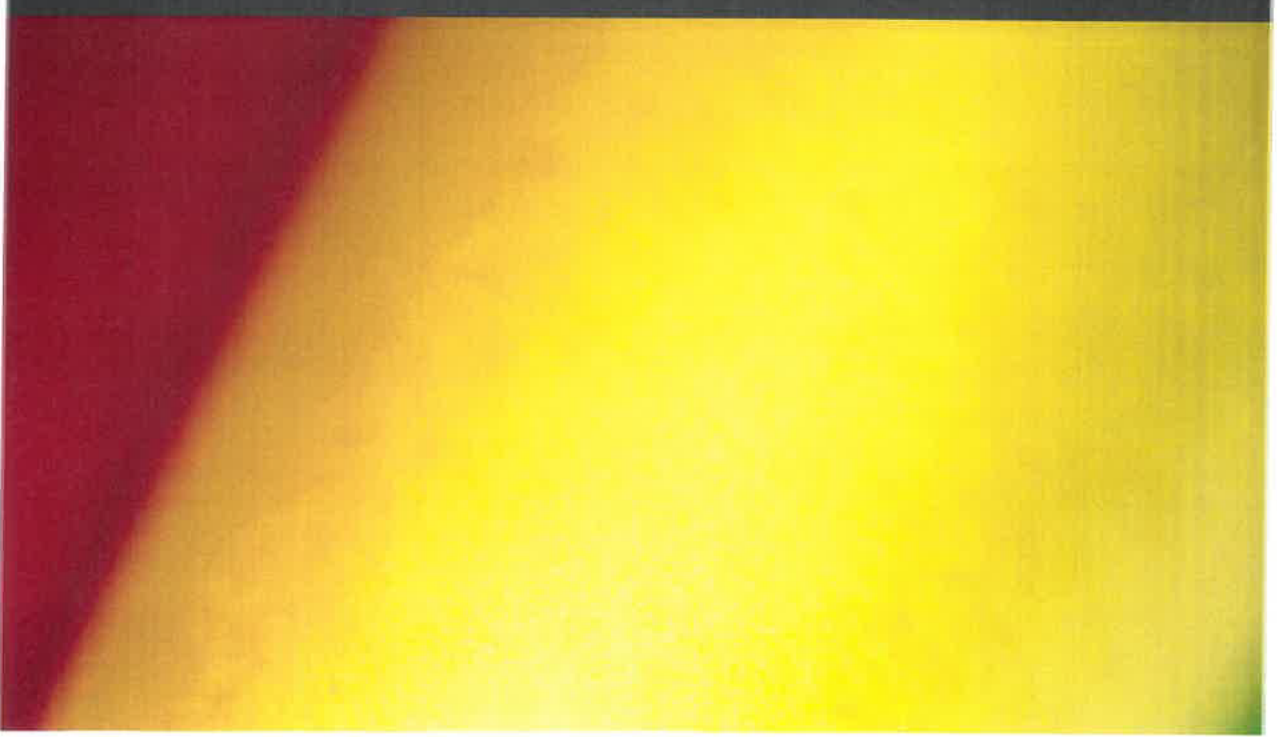
Patrick OBrian

Worked at Hilton Anaheim

Lives in Huntington Beach, CA, United States

+ Add to circles

2,158 views



About

Posts

Phc

I heard U were released



Inbox x



Patrick O'Brian
to me ▾

It's O'Brien, checking to see if you'll get this.

9/17/14



Yes I was :) how are you

9/24/14



Patrick O'Brian

I'm tremendous! Thank you for asking. What's up with you? Can you imagine how...

9/25/14



Forwarded conversation Subject: I heard U were released -----...

Apr 16 (5 days ago)



Is this the entire conversation? Regards,

Associate Court Lia...

Apr 16 (5 days ago)



Yes

Apr 16 (5 days ago)



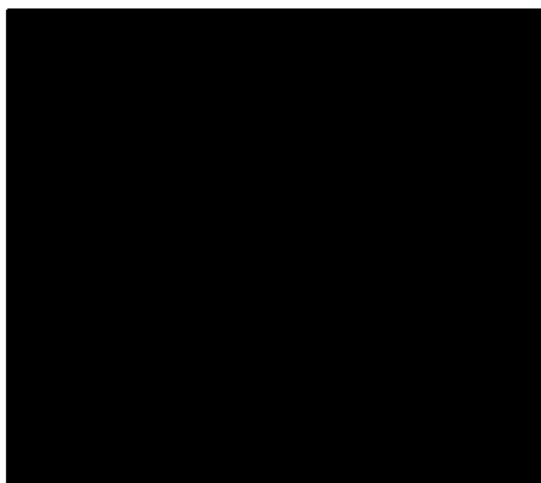
GRAHAM, THOMAS R

From: [REDACTED]
Sent: Friday, April 17, 2015 1:31 PM
To: GRAHAM, THOMAS R
Subject: Fwd: I heard U were released

Sergeant Graham,

Sorry for the delay, but you can find the email thread from [REDACTED] below. Look forward to speaking with you on Tuesday at 9:00 AM.

Thanks,



This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. This communication may contain material protected by HIPAA legislation (45 CFR, Parts 160 & 164). If you are not the intended recipient or the person responsible for delivering this email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender by replying to this email and then delete the email from your computer.

----- Forwarded message -----

From: [REDACTED]
Date: Thu, Apr 16, 2015 at 6:22 PM
Subject: Re: I heard U were released

From: Patrick O'Brian [REDACTED]
Date: Wed, Sep 17, 2014 at 6:42 PM
To: [REDACTED]

It's O'Brien, checking to see if you'll get this.

From: [REDACTED]
Date: Wed, Sep 24, 2014 at 1:43 PM
To: Patrick O'Brian <[REDACTED]>

Yes I was :) how are you

From: **Patrick O'Brian** [REDACTED]
Date: Thu, Sep 25, 2014 at 2:37 PM
To: [REDACTED]

I'm tremendous! Thank you for asking. What's up with you? Can you imagine how good it will feel to have my arms wrapped around you?
...but I don't want you to get involved in something you can't handle. ;)

Patric

INTERNAL AFFAIRS INTERVIEWS (CD)

KNOWLEDGE MANAGEMENT SYSTEM

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Issued Start Date: 08/01/2009 Issued End Date: 09/01/2015
Acknowledged Start Date: 08/01/2009 Acknowledged End Date:
Manual Name: Orange County SD Policy Manual - RELEASE Acknowledged: Any
First Name: Patric Last Name: O
Employee Status: Enabled

Acknowledged Date	Issued Date	Adoption Date	Version Label	Number
2011-09-09	2011-08-17		RELEASE_20101220	N/A
2011-08-10	2011-03-31		RELEASE_20110331	N/A
2012-04-04	2012-03-29		RELEASE_20111207	N/A
2012-10-03	2012-09-19		RELEASE_20120924	N/A
2012-10-03	2012-09-19		RELEASE_20120924	N/A
2012-10-03	2012-09-24		RELEASE_20120924	N/A
2013-04-26	2013-04-11		RELEASE_20121211	N/A
2013-10-19	2013-10-01		RELEASE_20131001	N/A

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

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Rules of Conduct - General

1018.7 ESTABLISHING ELEMENTS OF A VIOLATION OF LAW

The existence of facts establishing a violation of the law or ordinance is all that is necessary to support any allegation under Section 1018.6. When a violation of law occurs under Section 1018.6, lack of criminal prosecution shall be no bar to administrative discipline.

1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES

Members shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. They shall not maliciously ridicule one another or the orders issued by competent authority.

1018.9 COURTESY TO RANK

While on duty, commissioned personnel holding rank shall be addressed by such rank.

1018.10 CRITICISM OF ORDERS

Members shall not criticize instructions or orders in the presence of subordinates or persons from outside the department.

1018.11 ISSUING ORDERS

Orders shall be issued in clear and understandable language and in pursuit of departmental business. No member shall issue any order, which is in violation of any law, or ordinance or which is beyond the scope of their authority.

1018.12 OBEDIENCE TO UNLAWFUL ORDERS

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member is required to obey any order, which is contrary to Federal or State law or County Ordinance. Responsibility for refusal to obey an unlawful order rests with the member and they must be able to justify their action.

1018.13 CONFLICTING ORDERS

In the event of a conflict of orders, members shall call such conflict to the attention of the superior issuing the last order. Responsibility for countermanding the original order then rests with the individual issuing the second order. Should the superior not change or rescind the order, it shall be obeyed, and members shall not be held accountable for violating the previous order. Orders will be countermanded, or conflicting orders issued only when necessary for the good of the department.

1018.14 SOLICITING GIFTS, GRATUITIES, REWARDS, LOANS, ET CETERA

Members, in their official capacity, shall not solicit any gifts, gratuities, rewards, loans, or establish any accounts, where there is any direct or indirect connection between the solicitation and their departmental membership, without authorization from the Sheriff/Coroner.

1018.15 ACCEPTANCE OF GIFTS, GRATUITIES, REWARDS, LOANS, ET CETERA

Members shall not accept any gift, gratuity, reward or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the member or other

Orange County Sheriff-Coroner Department

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Rules of Conduct - General

member in any matter of official business, or which might tend to cast an adverse reflection on the department or its members.

1018.16 OTHER TRANSACTIONS

Members are prohibited from buying or selling anything of value to or from a prisoner, or any complainant, plaintiff, suspect, witness, defendant, or other person currently involved in any case which has come to the member's attention or which arose out of their departmental employment, except as may be specifically authorized by the Sheriff-Coroner.

1018.17 FREE ADMISSION AND PASSES

Members shall not solicit free admission to theaters or other places of amusement for themselves or others except in the line of duty.

1018.18 REPORTING FOR DUTY

Members shall report for duty at the specified time and place and in the attire appropriate to their assignment. Inability to comply shall be reported to their superiors as early as possible in advance of the specified time.

1018.19 MAINTENANCE OF TELEPHONE

All sworn members are required to maintain a cellular or residence telephone.

1018.20 CHANGE OF ADDRESS AND PHONE NUMBERS

Members shall, within 24 hours, report any change in address and telephone number to their command superior and the Professional Standards Command.

1018.21 APPEARANCE - WORK AREA.

Members shall maintain their individual desks, work areas, etc. in a neat, clean, and orderly condition at all times. Desks shall be cleared at the end of the tour of duty and work materials properly stored.

1018.22 APPEARANCE - PERSONAL

- (a) Members shall be neat and clean in their person and attire when on duty. They shall maintain good personal hygiene and keep their hair neatly trimmed and combed and their fingernails clean. Members wearing civilian clothes shall adopt attire appropriate to a neat, conservative, businesslike appearance. (See Policy 1044)
- (b) Members who are attending training classes may dress in casual clothing that is in keeping with acceptable community standards unless otherwise directed. Items such as tank tops, tube tops, halter-tops, shorts, cutoffs, sandals and other beachwear shall not be worn.

1018.23 DAMAGE TO PRIVATE, REAL OR PERSONAL PROPERTY

- (a) Any material damage to private, real or personal property committed in the performance of official duties shall be promptly reported to the member's superior in writing.
- (b) If a member's personal property is damaged during the course of their duties, a claim for damages shall be made to County Risk Management. Claim forms can be obtained from the Professional Standards Command.

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1018.24 CARE OF PROPERTY AND EQUIPMENT

- (a) Members shall be responsible for the proper care, maintenance and serviceable condition of any County property issued or assigned to their use. They shall report to their Command Commander the loss of, damage to, or unserviceable condition of any such property.
- (b) Members shall not loan to any person their identification card, badge or cap piece.
- (c) Members shall not permit any unauthorized person the use of any County equipment issued to the member.

1018.25 MISAPPROPRIATION OF PROPERTY

No member shall appropriate for their own use or the use of another, any property belonging to the County or any item of evidence, found, stolen or recovered property, except as provided by law.

1018.26 SURRENDER OF COUNTY PROPERTY

- (a) Upon separation from the department, members shall surrender all County and departmental items of property to the Professional Standards Command within 48 hours.
- (b) Department issued equipment, including handguns and badges are the sole property of the department and shall be returned immediately upon request.

1018.27 UNTRUTHFULNESS

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

1018.28 REMOVAL OR ALTERATION OF OFFICIAL RECORDS PROHIBITED

Members shall not remove or alter any official record of the department except as directed by superiors in accordance with established departmental procedures, or under due process of law.

1018.29 OFFICIAL CORRESPONDENCE

Only those members authorized by the Sheriff-Coroner may engage in official departmental correspondence.

1018.30 DEPARTMENT LETTERHEAD

All official correspondence shall be written on the department's official letterhead stationery. Official letterhead shall not be used for any purpose other than official business.

1018.31 ABSENCE FROM DUTY

No member shall be absent from duty without proper leave or permission from, or notification to, the appropriate supervisor.

1018.32 SICK LEAVE

- (a) While on official paid sick leave, members shall remain at home or other place of confinement except when, in the department's judgment, their individual circumstances justify leaving the place of confinement. Members shall advise the department of their place of confinement.

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- (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.

Orange County Sheriff-Coroner Department

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1018.37 USE OF TOBACCO, COFFEE

Members when on duty shall not smoke, use tobacco or drink coffee while conducting an interview or engaging in a conversation with citizens under conditions which may be detrimental to good conduct or procedure.

1018.38 SLEEPING ON DUTY

Members shall not sleep on duty.

1018.39 USE OF OFFENSIVE LANGUAGE

Members shall not use offensive or uncomplimentary language within the hearing of any other person.

1018.40 OFFENSIVE CONDUCT

Members shall not by their actions, speech, or demeanor, antagonize any person.

1018.41 RECEIPT OF TRAFFIC CITATION - COUNTY VEHICLE

Members who receive a traffic citation while operating a county vehicle shall not request the department to intercede in their behalf but shall handle the matter as a private citizen.

1018.42 FIXING TICKETS

Members shall not "attempt to fix" or "fix" a citation for a traffic violation.

1018.43 FRATERNIZATION

- (a) Except as permitted by written authority of their unit commander, no member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in department custody or recently released (within one year) from department custody. Any member who is contacted by or on behalf of a recently released (within one year) prisoner shall immediately report same, in memorandum form, to his or her immediate supervisor.
- (b) Members shall not associate socially with, or fraternize with the spouse or family member of any person in the custody of the department without the express permission of the Sheriff-Coroner.
- (c) Except as necessary to carry out their assigned duties, members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss departmental matters or private affairs concerning themselves or coworkers with inmates.
- (d) Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with, any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.
- (e) Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the member's assigned duties.

1018.44 COURT CASES

Members shall not interfere in any way with the normal judicial procedure.

Orange County Sheriff-Coroner Department

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1018.45 COURT ATTENDANCE AND DEMEANOR

- (a) Members, when subpoenaed into court to testify, shall be punctual in attendance. The member shall be dressed in full uniform or civilian clothes of good taste and businesslike appearance. Male members shall not appear in civilian clothes without a coat and tie.
- (b) Members placed on call for court will be prepared to respond to that court at the specified time or within the established time limits and in appropriate attire.
- (c) Members shall testify in a calm, distinct and audible tone of voice. Members shall not suppress or overstate the slightest circumstance with a view of favoring or discrediting any person, but shall testify with the strictest accuracy.
- (d) Members shall not, by their actions or demeanor, make apparent their feelings toward any defendant or witness during the proceedings within the courtroom or within the hearing of the participants.

1018.46 NEIGHBORHOOD DISPUTES

Members shall attempt to avoid becoming involved, either as an officer or as a participant, in neighborhood disputes, except in the line of duty.

1018.47 CONTROVERSIAL OPINIONS

Members shall not involve the department in any manner in their expressions of views on any political, religious or controversial subject.

1018.48 UNAUTHORIZED KEYS

- (a) Members shall not have possession or control of any department key not specifically issued to that member.
- (b) Members shall not, unless authorized by the Sheriff-Coroner, possess keys to any private, commercial premise, not their own, or public building or facility in or near their duty area.

1018.49 HOURS OF DUTY

- (a) Members of the department shall be assigned regular hours. When off duty, all commissioned personnel and certain professional staff may be subject to call out. If needed, members may be required to work additional hours.
- (b) Members shall not change the dates or times of their assigned duty, nor make any exchanges of duty with other members without prior approval of the appropriate superior.

1018.50 LOITERING IN DEPARTMENT AREAS

Members off duty and not on official standby shall not loiter in department areas, other than those normally designated for use as recreation or rest areas

1018.51 CONDUCTING BUSINESS IN DEPARTMENT AREAS

Members shall not conduct any commercial ventures for profit in department work-sites unless authorized by the Sheriff-Coroner

Orange County Sheriff-Coroner Department

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Rules of Conduct - General

1018.52 USE OF THE BADGE, I.D. CARD AND UNIFORM BY NON COMMISSIONED PERSONNEL

- (a) Professional staff, who have been issued a badge, I.D. card and/or uniform, will not, under any circumstances, display same except at or during their work assignment.
- (b) Badges, I.D. cards or uniform items shall not be used for any purpose other than official department business.
- (c) Professional staff will not carry their badge while off duty or to or from work. Badges are to be left at work assignments. Exceptions will be forensic personnel subject to call out and special circumstances requiring written approval of a Command Commander

1018.53 AUTHORIZED TELEPHONE USAGE

Members of the department, whether on duty or off duty, shall not make or receive telephone calls, using county telephone equipment or services, for purposes other than official department business or family emergencies. Any identified misuse of the telephone may result in discipline and/or reimbursement to the department for the cost of the calls.

KNOWLEDGE MANAGEMENT SYSTEM

Dashboard > Agency Reports > Policy Acknowledgement Report

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Forum

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Quick Links

Fixes &

New Features

Issued Start Date:

08/01/2009

Issued End Date:

09/01/2015

Acknowledged Start Date:

08/01/2009

Acknowledged End Date:

Manual Name:

Orange County SD Policy Manual - RELEASE

Acknowledged:

Any

First Name:

Patric

Last Name:

0

Employee Status:

Enabled

Acknowledged Date	Issued Date	Adoption Date	Version Label	Number
2011-09-09	2011-06-17		RELEASE_20101220	N/A
2011-08-10	2011-03-31		RELEASE_20110331	N/A
2012-04-04	2012-03-29		RELEASE_20111207	N/A
2012-10-03	2012-09-19		RELEASE_20120924	N/A
2012-10-03	2012-09-19		RELEASE_20120924	N/A
2012-10-03	2012-09-24		RELEASE_20120924	N/A
2013-04-26	2013-04-11		RELEASE_20121211	N/A
2013-10-19	2013-10-01		RELEASE_20131001	N/A

Rules of Conduct - General

1018.1 STANDARD

- (a) Members shall conduct themselves in such a manner as to avoid bringing discredit upon the department.
- (b) Commissioned officers shall adhere to the Code of Professional Conduct and Responsibilities for Peace Officers.

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

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Rules of Conduct - General

1018.7 ESTABLISHING ELEMENTS OF A VIOLATION OF LAW

The existence of facts establishing a violation of the law or ordinance is all that is necessary to support any allegation under Section 1018.6. When a violation of law occurs under Section 1018.6, lack of criminal prosecution shall be no bar to administrative discipline.

1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES

Members shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. They shall not maliciously ridicule one another or the orders issued by competent authority.

1018.9 COURTESY TO RANK

While on duty, commissioned personnel holding rank shall be addressed by such rank.

1018.10 CRITICISM OF ORDERS

Members shall not criticize instructions or orders in the presence of subordinates or persons from outside the department.

1018.11 ISSUING ORDERS

Orders shall be issued in clear and understandable language and in pursuit of departmental business. No member shall issue any order, which is in violation of any law, or ordinance or which is beyond the scope of their authority.

1018.12 OBEDIENCE TO UNLAWFUL ORDERS

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member is required to obey any order, which is contrary to Federal or State law or County Ordinance. Responsibility for refusal to obey an unlawful order rests with the member and they must be able to justify their action.

1018.13 CONFLICTING ORDERS

In the event of a conflict of orders, members shall call such conflict to the attention of the superior issuing the last order. Responsibility for countermanding the original order then rests with the individual issuing the second order. Should the superior not change or rescind the order, it shall be obeyed, and members shall not be held accountable for violating the previous order. Orders will be countermanded, or conflicting orders issued only when necessary for the good of the department.

1018.14 SOLICITING GIFTS, GRATUITIES, REWARDS, LOANS, ET CETERA

Members, in their official capacity, shall not solicit any gifts, gratuities, rewards, loans, or establish any accounts, where there is any direct or indirect connection between the solicitation and their departmental membership, without authorization from the Sheriff Coroner.

1018.15 ACCEPTANCE OF GIFTS, GRATUITIES, REWARDS, LOANS, ET CETERA

Members shall not accept any gift, gratuity, reward or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of the member or other

Orange County Sheriff-Coroner Department

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Rules of Conduct - General

member in any matter of official business, or which might tend to cast an adverse reflection on the department or its members.

1018.16 OTHER TRANSACTIONS

Members are prohibited from buying or selling anything of value to or from a prisoner, or any complainant, plaintiff, suspect, witness, defendant, or other person currently involved in any case which has come to the member's attention or which arose out of their departmental employment, except as may be specifically authorized by the Sheriff-Coroner.

1018.17 FREE ADMISSION AND PASSES

Members shall not solicit free admission to theaters or other places of amusement for themselves or others except in the line of duty.

1018.18 REPORTING FOR DUTY

Members shall report for duty at the specified time and place and in the attire appropriate to their assignment. Inability to comply shall be reported to their superiors as early as possible in advance of the specified time.

1018.19 MAINTENANCE OF TELEPHONE

All sworn members are required to maintain a cellular or residence telephone.

1018.20 CHANGE OF ADDRESS AND PHONE NUMBERS

Members shall, within 24 hours, report any change in address and telephone number to their command superior and the Professional Standards Command.

1018.21 APPEARANCE - WORK AREA.

Members shall maintain their individual desks, work areas, etc. in a neat, clean, and orderly condition at all times. Desks shall be cleared at the end of the tour of duty and work materials properly stored.

1018.22 APPEARANCE - PERSONAL

- (a) Members shall be neat and clean in their person and attire when on duty. They shall maintain good personal hygiene and keep their hair neatly trimmed and combed and their fingernails clean. Members wearing civilian clothes shall adopt attire appropriate to a neat, conservative, businesslike appearance. (See Policy 1044)
- (b) Members who are attending training classes may dress in casual clothing that is in keeping with acceptable community standards unless otherwise directed. Items such as tank tops, tube tops, halter-tops, shorts, cutoffs, sandals and other beachwear shall not be worn.

1018.23 DAMAGE TO PRIVATE, REAL OR PERSONAL PROPERTY

- (a) Any material damage to private, real or personal property committed in the performance of official duties shall be promptly reported to the member's superior in writing.
- (b) If a member's personal property is damaged during the course of their duties, a claim for damages shall be made to County Risk Management. Claim forms can be obtained from the Professional Standards Command.

Orange County Sheriff-Coroner Department

Policy Manual

Rules of Conduct - General

1018.24 CARE OF PROPERTY AND EQUIPMENT

- (a) Members shall be responsible for the proper care, maintenance and serviceable condition of any County property issued or assigned to their use. They shall report to their Command Commander the loss of, damage to, or unserviceable condition of any such property.
- (b) Members shall not loan to any person their identification card, badge or cap piece.
- (c) Members shall not permit any unauthorized person the use of any County equipment issued to the member.

1018.25 MISAPPROPRIATION OF PROPERTY

No member shall appropriate for their own use or the use of another, any property belonging to the County or any item of evidence, found, stolen or recovered property, except as provided by law.

1018.26 SURRENDER OF COUNTY PROPERTY

- (a) Upon separation from the department, members shall surrender all County and departmental items of property to the Professional Standards Command within 48 hours.
- (b) Department issued equipment, including handguns and badges are the sole property of the department and shall be returned immediately upon request.

1018.27 UNTRUTHFULNESS

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

1018.28 REMOVAL OR ALTERATION OF OFFICIAL RECORDS PROHIBITED

Members shall not remove or alter any official record of the department except as directed by superiors in accordance with established departmental procedures, or under due process of law.

1018.29 OFFICIAL CORRESPONDENCE

Only those members authorized by the Sheriff-Coroner may engage in official departmental correspondence.

1018.30 DEPARTMENT LETTERHEAD

All official correspondence shall be written on the department's official letterhead stationery. Official letterhead shall not be used for any purpose other than official business.

1018.31 ABSENCE FROM DUTY

No member shall be absent from duty without proper leave or permission from, or notification to, the appropriate supervisor.

1018.32 SICK LEAVE

- (a) While on official paid sick leave, members shall remain at home or other place of confinement except when, in the department's judgment, their individual circumstances justify leaving the place of confinement. Members shall advise the department of their place of confinement.

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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.

Orange County Sheriff-Coroner Department

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Rules of Conduct - General

1018.37 USE OF TOBACCO, COFFEE

Members when on duty shall not smoke, use tobacco or drink coffee while conducting an interview or engaging in a conversation with citizens under conditions which may be detrimental to good conduct or procedure.

1018.38 SLEEPING ON DUTY

Members shall not sleep on duty.

1018.39 USE OF OFFENSIVE LANGUAGE

Members shall not use offensive or uncomplimentary language within the hearing of any other person.

1018.40 OFFENSIVE CONDUCT

Members shall not by their actions, speech, or demeanor, antagonize any person.

1018.41 RECEIPT OF TRAFFIC CITATION - COUNTY VEHICLE

Members who receive a traffic citation while operating a county vehicle shall not request the department to intercede in their behalf but shall handle the matter as a private citizen.

1018.42 FIXING TICKETS

Members shall not "attempt to fix" or "fix" a citation for a traffic violation.

1018.43 FRATERNIZATION

- (a) Except as permitted by written authority of their unit commander, no member shall fraternize with, engage the services of, accept services from, or give to or receive favors from any person in department custody or recently released (within one year) from department custody. Any member who is contacted by or on behalf of a recently released (within one year) prisoner shall immediately report same, in memorandum form, to his or her immediate supervisor.
- (b) Members shall not associate socially with, or fraternize with the spouse or family member of any person in the custody of the department without the express permission of the Sheriff-Coroner.
- (c) Except as necessary to carry out their assigned duties, members shall not engage in familiarity with inmates or the families or friends of inmates. Members shall not discuss departmental matters or private affairs concerning themselves or coworkers with inmates.
- (d) Members shall not trade or barter with, lend to or borrow from, or engage in any other personal transaction with, any inmate. Members shall not, directly or indirectly, give to or accept from any inmate, or member of the family of any inmate, anything of value or a promise of same.
- (e) Members shall not accept from, or send to, any inmate any verbal or written message, reading matter, literature, or any item, article, or substance except as necessary in carrying out the member's assigned duties.

1018.44 COURT CASES

Members shall not interfere in any way with the normal judicial procedure.

Orange County Sheriff-Coroner Department

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1018.45 COURT ATTENDANCE AND DEMEANOR

- (a) Members, when subpoenaed into court to testify, shall be punctual in attendance. The member shall be dressed in full uniform or civilian clothes of good taste and businesslike appearance. Male members shall not appear in civilian clothes without a coat and tie.
- (b) Members placed on call for court will be prepared to respond to that court at the specified time or within the established time limits and in appropriate attire.
- (c) Members shall testify in a calm, distinct and audible tone of voice. Members shall not suppress or overstate the slightest circumstance with a view of favoring or discrediting any person, but shall testify with the strictest accuracy.
- (d) Members shall not, by their actions or demeanor, make apparent their feelings toward any defendant or witness during the proceedings within the courtroom or within the hearing of the participants.

1018.46 NEIGHBORHOOD DISPUTES

Members shall attempt to avoid becoming involved, either as an officer or as a participant, in neighborhood disputes, except in the line of duty.

1018.47 CONTROVERSIAL OPINIONS

Members shall not involve the department in any manner in their expressions of views on any political, religious or controversial subject.

1018.48 UNAUTHORIZED KEYS

- (a) Members shall not have possession or control of any department key not specifically issued to that member.
- (b) Members shall not, unless authorized by the Sheriff-Coroner, possess keys to any private, commercial premise, not their own, or public building or facility in or near their duty area.

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Deputy Sheriff Performance Evaluation

Name: O'Brien, PatricRating Period: From 7/23/2014 to 7/24/2015I have received feedback about my performance during this rating period: ☒ Yes ☐ NoI had the opportunity to submit a Self-Assessment: ☐ Yes ☐ No ☒ See attached

I have read and understand the following Orange County Sheriff's Department Policy(s) and have been previously provided a copy of each.

_____ Policy #328 – Policy Against Unlawful Harassment and Discrimination
Initials

_____ Policy #335 – Fair Labor Standards Act (FLSA) Policy
Initials

Employee's Signature: Patric R O'Brien Date: 10-23-15Supervisor's Signature: Sgt. J. Guffey #4185 Date: 08/10/15 JRReviewer's Signature: LT D. JOHNSON FOR CAPT. KRUEGER Date: 8-11-15

Reviewer's Comments: _____

OVERALL PERFORMANCE RATING:

- Merit Step Increase ☐ _____ Steps granted (1-4) pursuant to the applicable MOU (recommendation when added to current step shall not exceed the top step of the range)
- No Salary Adjustment Required ☒ At top step of range (may also be used for employees who are at the discretionary step pursuant to the applicable MOU)
- Merit Increase Deferred ☐ _____ Pay Periods (1-13)
- Merit Increase Denied ☐

☐ PROBATION APPROVED☐ PROBATION DENIEDExecutive Command
Signature: _____

Date: _____

Name: O'Brien, PatricRating Period: From 7/23/2014 to 7/24/2015Employee Comments (Optional)

This optional attachment to the Peace Officer Unit Performance Evaluation offers an opportunity for the employee being evaluated to document unique experience, training, professional accomplishments and other noteworthy events during the rating period. This document will be attached to the Performance Evaluation and retained in the employee's personnel file. Complete one or more sections below as they apply to the current rating period. Please limit your comments to no more than two pages.

1. Special or unique work assignment(s) and /or ancillary duties during the rating period.
SERVED ON THE HONOR GUARD: AMERICAN CORRECTIONAL ASSOCIATION'S WINTER CONFERENCE GENERAL SESSION FEB. 8, 2015. INSTRUCTIONAL ASSISTANT AT SANTA ANA COLLEGE: FITNESS FOR LAW ENFORCEMENT CLASS.
2. Special projects to which you contributed.
3. Training/education completed during the rating period.
4. Other noteworthy accomplishments and/or contributions.

SKELLY HEARING- December 15, 2015

DEPUTY Patric O'Brien (PI# 15-037)

Assistant Sheriff Linda Solorza

IA Lieutenant Jason Danks

IA Sergeant Thomas Graham

AOCDS David Goldwasser/ Paula Gallegos

AOCDS David Goldwasser

- Began by thanking everyone for their time.
- Addressed Deputy O'Brien's 11 years on OCSD and only 2nd time with a PI.
- Stated he wanted to talk about [REDACTED] the interview, and [REDACTED]
- [REDACTED] Began by stating this was a 2013 incident that was not sexual in nature. Admitted emails. Stated there was no physical contact or meetings with her. Denied stating he wanted "intimate relationships" with her or she was pretty.
- Stated it was a case of "He said, she said."
- [REDACTED] was not creditable due to history of CPC 148.9, and aliases.
- Stated case was about using a poor technique in an attempt to make a relationship with women. No OCSD personal matters were discussed, no promises or gifts given. Might be a pattern and problem, but believes O'Brien was not untruthful and that he has learned from incident.
- Stated O'Brien was confused during interview about [REDACTED] [REDACTED] and the timeline. Stated interview was jumping around and blamed confusion on an "interview technique". He was not lying but confused.
- Stated [REDACTED] refused to speak with OCSD and that her attorney made statements about O'Brien being lonely and going through a divorce.
- O'Brien was suspicious of [REDACTED] being 11550 but not convinced, so he drove her to a friend's house.
- Stated it was O'Brien who divulged information about [REDACTED] in interview so he was not lying.
- Admitted Fraternization occurred and requested this case be handled similar to other Fraternization cases.
- The meeting with [REDACTED] was brief and nothing transpired. Described it as an "attempt that failed". When asked an attempt at what, Goldwasser stated, "Friendship." (CONTRADICTS O'Brien's admission of starting a dating relationship with her in the future.)

- The “ride” he gave [REDACTED] was of great significance because it let O’Brien see the realization of possible consequences.
- This period was not a “shining time” in O’Brien’s career and included he was going through a possible divorce, and foreclosure. Described incidents as “Lapse in judgment”.
- Stated he was truthful because he unknowingly made false statements, and the clarity of the incidents came later in the investigation interview. It was a “60 day aberration.”
- O’Brien has no current outside factors that caused these decisions. If his intent was to pursue, he would have. [REDACTED] was a catalyst back to reality.
- O’Brien is a salvageable employee and he would like OCSD to reap the benefits of their investment.

Deputy O’Brien (Read written statement)

- Thanked everyone for time. Accepted full responsibility and doing wrong. Ashamed by his actions. Felt guilt and remorse.
- Stated past mistakes will not affect the future.
- Claimed to have not disclosed personal divorce matters with [REDACTED] and stated she could have heard this information from other deputies during O’Brien’s conversations with them.
- He was focused on one inmate [REDACTED] but couldn’t remember her name. Confused by questioning.
- Claimed his response in his emails to [REDACTED] was “Cut and Pasted” from past responses from a “self-help” coach named [REDACTED] How to meet and pick up women.
- Admitted to also sending these email and text message “responses” from [REDACTED] to other females he met while being an associate assistant coach for Santa Ana College. O’Brien stated he assisted Coach [REDACTED] with preparing students for the basic academy program. O’Brien claims to have sent these same messages and texts to at least 3 female students while obviously representing the OCSD.
- Claimed No Excuses but stated his father died of cancer, he separated from his wife, lost his home to foreclosure, separated again and eventually divorced his wife.
- Admitted he struggled psychologically during this period but it was not his intent to “stalk or intimidate” these females.
- Stated he was an asset to the department and described his work history and achievements.
- Stated he wanted to share his experiences with these incidents to help others and quoted bible verses, including Proverbs 26.11 – “As a dog returns to his vomit, so a fool returns to his folly.”
- Stated when people hurt others, all they want is “forgiveness.”
- Ended by asking to please forgive him and he assured he would never let the OCSD down again. Asked for OCSD to show Mercy.

Assistant Sheriff Solorza

- Began by stating that OCSD does not lack compassion, and that she also has compassion for all of Deputy O'Brien's difficult times.
- However, she explained Deputy O'Brien not only tarnished the badge, but he also created liability for OCSD and his partners.
- Ended by stating she would review all the information over a period of time and take everything into consideration before making her recommendation and determination.



SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

Copy

TO: Personnel File of **PATRIC O'BRIEN** DATE: 2/28/2016
FROM: Captain John Coppock, Professional Standards INTRA-DEPARTMENT MEMO
RE: PI# 15-037

Sustained: 8/6/2015

Reviewed by Bland

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

Case # <u>15-037</u>	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBOR DEADLINE <u>3-7-16</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 7-24-15
Division DATE

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.

DIVISION TRACKING

Initial Review by: _____
LIEUTENANT OR MANAGER DATE

Consultation with OIR: _____
NAME DATE

DIVISION REVIEW

Division Review by: CAPT. M J Krueger 7/31/15
DIVISION COMMANDER DATE

☐ Disposition within Division Authority (Written Reprimand - 24 Hours)
or

☒ Recommended discipline exceeds Division Authority; Referred to: COMMANDER T. BLAND
COMMAND

EXECUTIVE COMMAND REVIEW (if applicable)

Executive Command Review by: A. Bland Date: 8/6/15

PROCESSING

Returned to PSD for processing: _____
Date

Employee Notification: _____
Date

Notes

CASE MANAGEMENT NOTES

CASE #

DATE	TIME	INVESTIGATION
3/18/15	0615	CASE OPENED / COPIES TO OIR
4/6/15	0600	RECEIVED AND REVIEWED CASE
4/13/15	1055	ATTEMPTED TO CONTACT WITNESS [REDACTED] MESSAGE LEFT.
		MOTHER CONTACTED ME BACK AND STATED [REDACTED]
		IS IN REHAB AND WILL RELAY MESSAGE TO CONTACT ME.
4-17-15	0930	CONDUCTED FOLLOWUP CALL. CONTACTED [REDACTED]
		REPRESENTATIVE [REDACTED] WHO CONTACTED [REDACTED] PHONE
		INTERVIEW SET FOR TUESDAY 4-21-15 @ 0900.
4-21-15	0900	PHONE INTERVIEW WITH [REDACTED]
4-28-15	1400	CONDUCTED INTERVIEWS W/ JAMP DEPUTIES (WITNESSES)
4-28-15	0825	SET INTERVIEW DATE W/ O'BRIEN
5-7-15	1530	CONDUCTED INTERVIEW WITH DEPUTY O'BRIEN.
5-7-15	1830	PLACED DEPUTY O'BRIEN ON ADMINISTRATIVE LEAVE
5-19-15	0830	ATTEMPTED TO CONTACT [REDACTED]
		CONTACTED FRIEND [REDACTED]
		[REDACTED] STATED SHE WOULD TRY TO LOCATE AND FORWARD.
		CONTACTED PROBATION GABRIELLA RODRIGUEZ 714-896-7541
5-22-15	0830	ATTEMPTED OBTAIN HOUSING POTENTIALS FOR WJ.
6-2-15	1010	INTERVIEWED FEMALES AT WJ.
6-2-15	1430	LT. DANKS REVIEW
6-15-15	1300	LT. DANKS REVIEW
8-20-15	-	RECEIVED FILE BACK W/ NOID RECOMMENDED
9-8-15	-	INITIAL NOID SENT TO C.OCD. FOR REVIEW.
10-22-15	-	RECEIVED APPROVAL FOR NOID, PAUL BARTLETT CONTACTED



ORANGE COUNTY SHERIFF'S DEPARTMENT

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

SHERIFF-CORONER
SANDRA HUTCHENS

P.I. #15-037

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 (P/O)

LYBARGER WARNING

Deputy Patric O'Brien, as a result of your refusal to waive your Miranda rights, 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 (P/O)

Patric K O'Brien
Employee Signature

05-07-15
Date

Sgt. D. D. 6475
Sergeant Signature

5-7-15
Date



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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.

Patric K O'Brien
Employee Signature

05-07-15
Date

Sgt. - Dal #6475
Sergeant Signature

5-7-15
Date



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CONFIDENTIALITY DIRECTIVE

Deputy Patric O'Brien, 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 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.

Patric R. O'Brien

Deputy Patric O'Brien

05-07-15

Date

Sgt. [Signature] #6475

Sergeant Signature

5-7-15

Date

O'BRIEN, PATRIC (698)



Rank: DEPUTY SHERIFF I
Bureau: Musick (sworn)
Division: MUSICK FACILITY
Hire Date: 8/20/2004

Approved Date: 9/3/2010 8:32:10 AM

Print Detail

Print

	Cat	Date	RefNo	Description
▼	STC	Total: 58		
▼	AOT	Total: 19		
▼	TTC	Total: 7		
▼	IA	Total: 1		

LAST COMM COMP TC WC IA RMB UOF

Perishables/Mandatory	Status
PSP Firearms	Custody / Waived
PSP ACT	Custody / Waived
PSP Tact comm	Custody / Waived
PSP Driving	Custody / Waived
CPR	Expires by 9/30/2015

Disputed History		Thresholds	
Disp. Date	Date	Type	
7/24/2010	7/24/2010	COMM	

Report Missing Items



Case Report by Principal - PATRIC K. O'BRIEN

Print Date: 3/18/2015

<u>Case Number</u>	<u>Incident Date</u>	<u>Issue Date</u>	<u>Complete Date</u>	<u>Complaint Description</u>	<u>Disposition</u>
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[REDACTED]					
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Total Cases per Principal:

[REDACTED]



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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.

PATRICK KENNEDY O'BRIEN

Employee Name (print)

Residence / Designated Area Address

Telephone Number(s)

CUSTODY - JAMES A. MUSICK FACILITY

Employee's Assigned Division

Patrick K. O'Brien

Employee Signature

05-07-15

Date

G. Bohm

Assistant Sheriff or Designee

5-7-15

Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION

NOTICE OF ADMINISTRATIVE LEAVE

Confidential

To: Assistant Sheriff Steve Kea
Assistant Sheriff Linda Solorza

From: Sergeant Rich Koenig

Date: May 7, 2015

Please be advised that Deputy Patric O'Brien [REDACTED] has been placed on Administrative Leave effective today at 1830 hours.

cc: Commander Toni Bland
Commander Adam Powell
Captain Mike Krueger
Captain Wayne Byerley
Lieutenant Jason Danks
Recruiting Manager – Vicki Pirooz
Human Resources – Robin Scruggs
County Counsel – Mark Howe
Human Resources Services – Robert O'Brien
Sheriff's Payroll – Doris De La Cruz
PSD – Sophia Maciel, Transaction Team
PSD – Christina Chavez, Position Control



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION

NOTICE OF DISMISSAL

Confidential

To: Assistant Sheriff Steve Kea
Assistant Sheriff Linda Solorza

From: Sergeant Rich Koenig

Date: January 4, 2016

Please be advised that Deputy Sheriff Patric O'Brien [REDACTED] has been dismissed from employment with the Orange County Sheriff's Department. The dismissal and removal from Administrative Leave was effective today at 1315 hours.

cc: Commander Toni Bland
Commander Adam Powell
Captain Mike Krueger
Captain Wayne Byerley
Lieutenant Jason Danks
Recruiting Manager – Vicki Pirooz
Human Resources – Robin Scruggs
County Counsel – Mark Howe
Human Resources Services – Robert O'Brien
Sheriff's Payroll – Doris De La Cruz
PSD – Sophia Maciel, Transaction Team
PSD – Joan Villanueva, Transaction Team
PSD – Juana Fierro, Position Control