



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 SUSPENSION Personnel Investigation # 15-135

Ron West
Intake Release Center
IRC/Transportation Division

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") is suspending you without pay from your position of Sergeant for a period of thirty-six (36) working hours. The thirty-six (36) hour suspension shall be served in its entirety over consecutive days and will be completed within one pay period. Pursuant to Article IX, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following sections listed in the original notice:

OCSD Policy Section 1001 Standard 6.3

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

OCSD Policy Section 1018.1 Standard of Conduct

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

OCSD Policy Section 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.

OCSD Policy Section 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.

OCSD Policy Section 1018.55 Prohibited Acts or Omissions

14. Unsatisfactory work performance including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

19. The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

24. Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

26. Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

39. Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

In the letter entitled "Notice of Pending Suspension" that you were provided, the specifics of the above listed violations were noted. In addition, you were provided your right to request a Due Process Review (Skelly Meeting) of this matter, which you did not exercise.

This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer.

You have the right to appeal, pursuant to Article IX, Section 3C and Article X, Sections 7 and 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.

Paul D'Auria # 4539 / *FOR* *Capt. D'Auria*
Paul D'Auria, Captain
IRC/Transportation Division

12/17/15
Date

Ron West # 5734
Ron West, Sergeant

12/17/15
Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

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**SHERIFF-CORONER
SANDRA HUTCHENS**

NOTICE OF PENDING SUSPENSION PI# 15-135

Ron West
Custody and Court Operations
Intake Release Center

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") intends to suspend you without pay from your position of Sergeant, for a period of thirty-six (36) working hours. Your suspension shall be served in its entirety over consecutive days and will be completed within one pay period. Pursuant to Article IX, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following:

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39. Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

On September 21, 2015, at the direction of Commander Toni Bland, Internal Affairs initiated a personnel investigation into your on duty actions. It was alleged that you wrote a crime report for Deputy [REDACTED] and submitted the report for approval from Lieutenant [REDACTED]. The report was approved by Lieutenant [REDACTED], but he was under the assumption that Deputy [REDACTED] wrote the report. You never mentioned you wrote the report for Deputy [REDACTED].

On Wednesday, October 14, 2015, at 1903 hours, you were interviewed by Sergeant Manhart and Sergeant Tanabe regarding the incident. You admitted you were the operations supervisor at the Intake Release Center on Thursday, July 23, 2015. During the shift, an incident occurred on the booking loop involving an inmate and Deputies [REDACTED] and [REDACTED]. You were not present during the use of force, but responded to the scene. You directed Deputies [REDACTED] and [REDACTED] to document the incident. You allowed Deputies [REDACTED] and [REDACTED] to write their reports at a later date after July 23, 2015, but did not tell them when they were required to submit their reports.

Deputy [REDACTED] went on vacation prior to submitting her report. You had a conversation with Deputy [REDACTED] regarding Deputy [REDACTED] report. You told Deputy [REDACTED] if she saw Deputy [REDACTED] while on vacation to ask her if she could get the report completed and turned into you because you were going on vacation and you wouldn't be at work when Deputy [REDACTED] returned from vacation. You asked Deputy [REDACTED] to ask Deputy [REDACTED] if she could write the report and email it to you. When asked why you didn't call Deputy [REDACTED] yourself, you said you didn't have an excuse for that.

You had a conversation with Deputy [REDACTED] in which you either told her you were going to write Deputy [REDACTED] report for her or that you had already written Deputy [REDACTED] report. You explained Deputy [REDACTED] went on vacation for two weeks, and when she returned you would be on vacation for two weeks. In addition, Lieutenant [REDACTED] was going on vacation while you were on vacation. You returned from vacation on August 26, 2015, and Lieutenant [REDACTED] was on vacation between July 30, 2015, to September 18, 2015. Lieutenant [REDACTED] was the Watch Commander on Thursday, July 23, 2015, the day of the incident, and was assigned the use of force.

You were asked you if you wrote Deputy [REDACTED] report for her. You said, "Yes." You sent the report you wrote for Deputy [REDACTED] to her for review. You said Deputy [REDACTED] stated in the email, "Sir, I did not write the report that has my name on it. Not sure where that report came from, but that report is not mine. I did not have video to review to write my report before going on vacation. I mentioned that to you our last day we worked together and it was my understanding from that conversation that I could write the report when I return from vacation. I will turn in my report to you next week when I am back." When asked what your interpretation of Deputy [REDACTED] email response was, you said, "My interpretation of that was this is... I think she took it as, this is what is going to be turned in and it's got your name on it and all of a sudden there's an email with a report with my name on it... that is bad all around." You sent Deputy [REDACTED] another email explaining that you wrote the report for her, but have not submitted the report. If Deputy [REDACTED] approved the report, you would submit the report along with Deputy [REDACTED] report.

Also in the email, you explained to Deputy [REDACTED] since her report was just a follow up and there were no injuries to anyone, you reviewed the video along with Deputy [REDACTED] report to write Deputy [REDACTED] report. After the explanation, Deputy [REDACTED] responded to your email and requested a few changes to be made to be accurate, which you completed. You sent Deputy [REDACTED] a final copy of the report for her approval, in which she approved the content of the report. You were asked why you didn't put your name in the area "Report by". You said, "Again, I have no excuse for that." You were asked if you believed putting Deputy [REDACTED] name in the area "Report by" gave the reader the impression that Deputy [REDACTED] wrote the report. You said, "Yes." You were also asked if Deputy [REDACTED] actually wrote the report. You replied, "She did not physically type out the report, no."

You signed off the final draft of the report. The report was scanned into the CRM system. You submitted the folder, containing the report, into Lieutenant [REDACTED] mail box. You did not speak to any lieutenant regarding Deputy [REDACTED] not completing her report prior to going on vacation. You did not speak to any lieutenant about your sergeant's use of force analysis possibly being delinquent due to the consecutive vacations scheduled for Deputy [REDACTED] Lieutenant [REDACTED] and yourself. You were asked if it mattered to you that the lieutenant signing off the report believed Deputy [REDACTED] wrote the report. You said, "Yeah... I mean now. Now it. Absolutely."

You were asked if you were given the opportunity to go back in time, what would you have done different given the same circumstances. You said you would do exactly what you had done the night before the interview. You pulled the deputy out of his assigned position and placed him in the video room to review the video of the incident. You had the deputy complete the report before the end of his shift. You realized you should have had Deputy [REDACTED] do the same thing and complete the report before the end of her shift. You were asked when you wrote the report, if you believed you were violating any policies or laws. You said, "Uh, no... when I wrote the first report with her name on the bottom of it, it did not occur to me to even write my name, because I've never written some else's report."

I certainly will from this point forward and the fact that I was sending it to her, and it was indicated in the email this isn't going anywhere, it's sitting in my cyber space... this isn't going to anyone. No one is going to get it until you've taken it. You've changed it the way you want it... you're basically putting your stamp of approval on it and sending it back in your name."

After consideration of all available information, the Department believes you violated the above listed OCSD Policy section.

In addition to this "Notice of Pending Suspension," you are entitled to all documents that substantiated the decision to suspend you:

- Initial Action
- Internal Investigation Summary
- Department Memos
- Reports
- Emails
- Recording of all interviews

This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer.

You are entitled to a 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 and 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, it will be assumed you have waived your right to be heard. If you do respond, consideration will be given to your response prior to taking any proposed action on this proposal for suspension. You are entitled to represent yourself or may be represented by the Association of Orange County Deputy Sheriffs ("AOCDS") pursuant to the Memorandum of Understanding between the County of Orange and AOCDS in any pre-disciplinary meeting you may request.

If this proposed action becomes final, you have the right to appeal, pursuant to Article IX, Section 3C and Article X, Sections 7 and 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.

Paul D'Auria

Paul D'Auria, Captain
Intake Release Center

12/3/2015

Date

Ron West

Ron West, Sergeant

12.3.15

Date

**Internal Investigation
Administrative Worksheet
PI# 15-135**

Principal(s): Sergeant Ron West

Complainant(s): Administration

Facility/Location: Intake Release Center / Captain P. D'Auria

Disposition:

1. OCSD Policy Section 1001 Standard 6.3

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

2. OCSD Policy Section 1018.1 Standard of Conduct

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

3. OCSD Policy Section 1018.5 (a) Performance of Duty

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

4. OCSD Policy Section 1018.33 Incurring Liability

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

5. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #14

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

6. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #19

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

7. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #24

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

8. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #26

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

9. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #39

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

Administrative Leave

Discipline: Written Reprimand Suspension (# of hours 36)

Demotion (to rank of _____) Dismissal

Comments / Other: _____

Administrative Disposition by: _____ **Date:** _____

Administrative Appeal Hearing

Date: _____ *Time:* _____

In Attendance: _____

Comments: _____

Disposition: _____

Disposition by: _____ *Date:* _____



ORANGE COUNTY SHERIFF'S DEPARTMENT

PROFESSIONAL STANDARDS DIVISION NOTICE OF SUSPENSION

Confidential

To: Assistant Sheriff Steve Kea
Assistant Sheriff Linda Solorza

From: Sergeant Rich Koenig

Date: December 21, 2015

P.I. File #: 15-135

Please be advised that Sergeant Ron West [REDACTED] will be suspended from duty without pay for a total of thirty six (36) working hours for disciplinary reasons. The suspension is scheduled to be served as follows:

- | | | |
|--------------|-------------------|------------|
| 1. Wednesday | December 30, 2015 | 11.5 hours |
| 2. Saturday | January 2, 2016 | 1.5 hours |
| 3. Wednesday | January 6, 2016 | 11.5 hours |
| 4. Thursday | January 7, 2016 | 11.5 hours |

cc:

Commander Toni Bland
Commander Adam Powell
Captain Wayne Byerley
Captain Paul D'Auria
Lieutenant Jason Danks
Employee Relations Manager – Robin Scruggs
Position Control – Juana Fierro
Transaction Team– Sophia Maciel
Transaction Team– Joan Villanueva
Sheriff's Payroll- Doris De La Cruz

Koenig, Richard P

From: South, Luke H
Sent: Monday, December 21, 2015 12:21 PM
To: Koenig, Richard P; D'Auria, Paul A; Smith, David M
Cc: Corn, Christopher F
Subject: Sgt. West's Suspension
Attachments: SKMBT_55215122113180.pdf

Capt. D'Auria,

Attached is the schedule for Sgt. West's suspension. It will all be served in the same pay period and his holiday pay will NOT be affected (per Karen at payroll). This will get his suspension served at the absolute soonest time possible.

Rich,

Per our conversation, this will now be Sgt. West's new dates that he is serving his suspension.

Dave,

Please come see me first thing tomorrow morning – we need to work out the back fill and reassignments.

Chris,

When you get into work, please advise Sgt. West of his adjusted dates that he is serving his suspension. Also let him know that per payroll, the hour and a half he takes off on the 2nd of Jan will not affect his holiday pay.

Suspension Dates:

Dec. 30th – 11.5 hours
Jan. 2nd – * 1.5 hours
Jan. 6th - 11.5 hours
Jan. 7th - 11.5 hours

Total: 36 hours

Any questions let me know,
Luke



Lt. Luke South

Administrative Lieutenant

Intake and Release Center

Orange County Sheriff's Department

550 N. Flower St., Santa Ana, Ca 92703

Phone: (714) 647-6004 | Fax: (714) 647-4591

Email: lsouth@ocsd.org

**Internal Investigation
Administrative Worksheet
PI# 15-135**

Principal(s): Sergeant Ron West

Complainant(s): Administration

Facility/Location: Intake Release Center / Captain P. D'Auria

Disposition:

1. OCSD Policy Section 1001 Standard 6.3

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

2. OCSD Policy Section 1018.1 Standard of Conduct

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

3. OCSD Policy Section 1018.5 (a) Performance of Duty

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

4. OCSD Policy Section 1018.33 Incurring Liability

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

5. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #14

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

6. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #19

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

7. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #24

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

8. OCSD Policy Section 1018.55 Prohibited Acts or Omissions #26

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

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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: _____ **Date:** _____

Administrative Appeal Hearing

Date: _____ *Time:* _____

In Attendance: _____

Comments: _____

Disposition: _____

Disposition by: _____ *Date:* _____

INITIAL ACTION

Complainant: Administration

Case Name: 15-135

Date of Complaint: September 21, 2015

Division / Division Commander: IRC / Captain D'Auria

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

9/24/15

Date

PERSONNEL INVESTIGATION SUMMARY

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Lieutenant J. Danks *JD*
FROM: Sergeant E. Manhart
DATE: October 21, 2015
RE: Personnel Investigation #15-135

Complainant: Administration
Employee(s): Sergeant Ron West
Incident Location: Theo Lacy Facility
Incident Date: Between July 23, 2015 through September 1, 2015
Allegation(s): Orange County Sheriff's Department Policy Manual

1. **Section 1001 Standard 6.3**

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

2. **1018.1 Standard of Conduct**

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

3. **1018.5 Performance of Duty:**

(a) 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.

4. **1018.33 Incurring Liability**

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5. **1018.55 Prohibited Acts or Omissions**

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39. Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

On September 21, 2015, at the direction of Commander Toni Bland, Internal Affairs initiated a personnel investigation into the on duty actions of Sergeant Ron West. It is alleged that Sergeant West wrote a report for Deputy [REDACTED] and submitted the report for approval from Lieutenant [REDACTED]. The report was approved by Lieutenant [REDACTED] but he was under the assumption that Deputy [REDACTED] had written it. Sergeant West never mentioned he wrote the report for Deputy [REDACTED].

Memorandum from Captain P. D'Auria to Commander T. Bland

Lt. Ramirez brought to my attention that Sgt. Ron West may have falsified a report by writing the report for a deputy and submitting it as that deputy's work. Sgt. West is a new supervisor and currently on probation.

In July, Deputy [REDACTED] was involved in a Use of Force. She was leaving on vacation the next day and told Sgt. West she would write it before she went home. He told her that would not be necessary and to write it when she returned. At some point during the week, Sgt. West made another deputy aware that he was "stressed" about the report not being completed. Deputy [REDACTED] received an email from Sgt. West with "her" report attached. She confronted Sgt. West with the fact that she did not write the report and did not know where it came from. Sgt. West stated he wrote the report and asked her to review it for accuracy. She relayed some inaccuracies and he submitted the corrected report as hers. In a later discussion, Sgt. West alluded that the Lieutenant was not happy that the report would be late and wanted her written up and she did not believe he took responsibility for the matter.

See detailed memos from Sgt. [REDACTED] and Lt. Ramirez for additional details.

Deputy [REDACTED] expressed that she was very uncomfortable with this situation but was hesitant to do anything because Sgt. West is her supervisor. If accurate, Sgt. West's actions bring into question his ability to supervise. I believe it erodes trust and degrades his ability to effectually supervise his subordinates. It is a serious lack of judgment. Further, it puts the department in a position to incur liability and discredit in any future litigation arising from this incident.

I recommend this be sent to PSD/Internal affairs for a Personnel Investigation for the possible policy violations:



Policy 1001 STANDARD 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

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.

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.

1018.55 PROHIBITED ACTS OR OMISSIONS

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1018.5 PERFORMANCE OF DUTY

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ATTACHMENTS:

Memo by Lt. Ramirez

Memo by Sgt. [REDACTED]

Copy of reports

Copy of e-mail chain between Sgt. West and Deputy [REDACTED]



Memorandum from Lieutenant M. Ramirez to Captain P. D'Auria

It was brought to my attention that Sergeant Ron West handled a Use of Force incident where he wrote the Use of Force report for one of the involved deputies. Sergeant [REDACTED] confirmed that Sergeant West wrote the Use of Force report for Deputy [REDACTED]. See Sergeant [REDACTED] Internal Memo for details.

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Deputies required to testify on criminal cases or civil matters will rely on their written reports. Prior to testifying, deputies are routinely asked if they wrote their report and for the accuracy of the report. Having somebody write a report in someone else's name could jeopardize any case. This practice is not only unauthorized, but might raise questions of accuracy, integrity and bring discredit to the Sheriff's Department.

A Supervisor is responsible to thoroughly review all submitted reports for completeness and accuracy prior to approval. A Supervisor should not write any report for a subordinate and put the subordinate's name on the report indicating the subordinate wrote it.

A Supervisor should require additional information or corrections when necessary on all reports prior to approval. A supervisor should not make the corrections for the subordinate indicating the subordinate made the corrections. In some cases, this might be a limited practice to provide guidance and instruction. However, this is not the case in this incident.

Any Supervisor knows, or reasonably should know, that writing a report for a subordinate is conduct unbecoming of a supervisor of the department or which is contrary to good practice, order, morale and tends to reflect unfavorably upon the department, its members and more specifically in this case to Jail Operations.

Supervisors need to set a proper example for their subordinates to follow, promote, and maintain a high level of morale. Morale has been jeopardized due to the fact that Sergeant West's actions are well known to several of his subordinates and he has brought discredit upon himself.

Recommendation: I recommend this matter be forwarded for Personnel Review. Questioning in this matter could reveal violations of Department Policy.



Memorandum from Sergeant [REDACTED] to Lieutenant M. Ramirez

On August 22, 2015, I had a conversation with Deputy [REDACTED] reference a Use of Force she was involved in that occurred on July 23, 2015 (DR# 15-155580). The Sergeant for the Use of Force was Sergeant R. West #5734.

Deputy [REDACTED] stated she was involved in a Use of Force (UOF) on Thursday July 23, 2015 in the Female Uncuff area of the IRC (DR# 15-155580). On Friday, July 24, 2015, Deputy [REDACTED] offered to write her Follow-Up report due to the fact that she was starting vacation on the 25th, but was told by Sergeant West not to worry about it. During Deputy [REDACTED] first week of vacation, she began a text conversation with Deputy [REDACTED]. Deputy [REDACTED] stated Sergeant West was stressing that now the UOF would be delinquent due to scheduling.

On Saturday 08-08-15, Deputy [REDACTED] received an email from Sergeant West. It is addressed to Deputy [REDACTED] and Deputy [REDACTED]. There are reports attached to the email, including Deputy [REDACTED] Crime report and UOF report. Also attached was a UOF Follow-Up with Deputy [REDACTED] name on it. Deputy [REDACTED] sent a response to Sergeant West stating she did not know where he got that report but she did not write it. Sergeant West responded stating he meant to send an explanation and that he wrote the report based on Deputy [REDACTED] report and the video. He asked Deputy [REDACTED] to review the report and let him know if any changes needed to be made.

Deputy [REDACTED] did not respond right away. She eventually texted Deputy [REDACTED] to see if she had a copy of the video. Deputy [REDACTED] sent a copy on Monday 08-10-15. Deputy [REDACTED] reviewed the video and the report written by Sergeant West. She replied to Sergeant West's email and advised him of some changes. Sergeant West responded with an amended report and asked Deputy [REDACTED] to review the amended report. Based on the facts of the report, she responded back to Sergeant West with her approval.

Deputy [REDACTED] returned to work on Wednesday 08-12-15, and began to express her concerns about the report with her partners. Through conversations with her partners, she found out that Sergeant West had told them he was going to write the report.

Deputy [REDACTED] stated she felt uncomfortable with this situation and had never seen this done before. She went along with it because she did not want to "Rock the boat" with her supervisor. I asked Deputy [REDACTED] if she felt comfortable working with Sgt. West or if she had lost confidence in him as a Supervisor. She was reluctant to answer the question, stating the fact that she still has to work with him and fears the possibility of some type of retribution. She went on to say she feels he just made a bad judgment call in this instance. At no time did Sgt. West tell Deputy [REDACTED] not to tell anyone about this incident. She did speak to him on or around September 26, 2015, in the Operations Sergeant's office at the IRC. Sgt. West asked if she was o.k. with everything and he told her he wasn't trying to be "Shady." She explained that she was very uncomfortable with the position he put her in. Sgt. West told her she didn't have to worry, stating, "It's not going anywhere."



Deputy [REDACTED] repeated that she was still uncomfortable. Sgt. West went on to say that he had spoken to the Lieutenant about the possibility that the reports might be late. The Lieutenant asked why she didn't write her report before leaving for vacation and to think about writing her up for it. Sgt. West never mentioned which Lieutenant he was alluding to, but Deputy [REDACTED] assumed it was Lieutenant [REDACTED] since he was on duty at the time of the Use of Force. Sgt. West told her his solution was to write her report to avoid having to write her up. When Sgt. West mentioned the possibility of her being written up, she became angry and stated repeatedly that he told her not to worry about writing it at that time. Deputy [REDACTED] told me once she got angry, Sgt. West backed off of the subject. Their conversation ended soon after.

Deputy [REDACTED] provided me with two copies of the report written by Sgt. West and their email thread. The first copy is the one Sgt. West sent her through an email asking her to read and provide him with any changes. The second copy is the final draft. Deputy [REDACTED] confirmed that she did not write either one of these reports; she just proof read and provided changes.

INTERNAL AFFAIRS INTERVIEWS

Interview of Deputy [REDACTED] (Witness)

On October 1, 2015, at approximately 0558 hours, I interviewed Deputy [REDACTED] as a witness in this investigation in a supervisor's office at the Southeast Station. Deputy [REDACTED] confirmed her name and PIN. Deputy [REDACTED] acknowledged the Confidentiality Directive she signed before the interview and understood she is not permitted to discuss the investigation with anyone outside of Internal Affairs. In addition, Deputy [REDACTED] understood she was a witness in the personnel investigation. She has worked for the Sheriff's Department for approximately four years and is currently on patrol training assigned to the city of Mission Viejo.

The interview was recorded and the following is a summary of the interview:

On July 23, 2015, at approximately 2140 hours, [REDACTED] was working at the Intake Release Center. [REDACTED] recalled being involved in a use of force. An inmate, [REDACTED] came into custody uncooperative. [REDACTED] believed [REDACTED] was under the influence of methamphetamine. [REDACTED] was walking around the booking loop not adhering to directives. Deputy [REDACTED] and [REDACTED] got control of [REDACTED] and began to search her. [REDACTED] was moving around and at one point kicked [REDACTED] left leg. [REDACTED] and [REDACTED] took [REDACTED] to the ground to control her. [REDACTED] was escorted to the booking process cell because she was combative and uncooperative. Sergeant West was [REDACTED] and [REDACTED] direct supervisor at the time of the incident. After the incident, both [REDACTED] and [REDACTED] had a conversation with Sergeant West regarding the incident. Sergeant West directed both [REDACTED] and [REDACTED] to document their actions during the incident. [REDACTED] did not recall a conversation between West and [REDACTED] discussing her upcoming vacation.

[REDACTED] did not complete her report on the same day of the incident because the video of the incident was not available for review. At some point, West provided [REDACTED] the video of the incident and she was able to complete her report. [REDACTED] submitted her report to West. [REDACTED] recalled a conversation she had with West regarding [REDACTED] report.



West was concerned about the report being delinquent because [REDACTED] was on vacation for a couple of weeks. West was scheduled for two weeks' vacation after [REDACTED] returned and the Watch Commander (Lieutenant [REDACTED]) was scheduled for a vacation after West's vacation.

West asked [REDACTED] to contact [REDACTED] on vacation, and inquire when the report would be completed. [REDACTED] texted [REDACTED] and let her know West was inquiring about her report. [REDACTED] explained to [REDACTED] she had not reviewed the video so she was not ready to complete the report. [REDACTED] relayed [REDACTED] response to West. I asked what West said to her. [REDACTED] said, "Um... at that point, he was... he was worried about it and then he said... and then he... he said that he was just gonna... he said he's gonna write it." [REDACTED] added, "So he said... he was worried about it so he wanted to... I think he based it off my report. He just like 'Well, I'm gonna... I'm gonna write it and then I'm going to send it to her for her to make corrections... and see if it matches up and then she could send it back to me if she wants to reword it.'" I asked [REDACTED] if West was asking her questions to provide information to complete the report for [REDACTED]. [REDACTED] said, "Um... he was kind of verifying a few things on my report... because he already looked at it... because obviously, he had to review it. So he was asking me a few questions, but mainly he was just looking at my report... just to get a few things right and then he was looking at the video." [REDACTED] continued, "When he finished it, he called me to look at it. I don't know how these things go. I don't... I mean, he's a Sergeant. I'm not going to tell him 'no'."

I asked [REDACTED] if West told her to tell [REDACTED] he was going to write the report and send it to her. [REDACTED] said, "Yeah. So, I gave her a heads up." [REDACTED] texted [REDACTED] telling her West was worried about the report being delinquent. West didn't want her to get in trouble. West wrote her report and was going to send it to her to review it. [REDACTED] said [REDACTED] was "kind of pissed off." [REDACTED] told [REDACTED] West couldn't do that and she would write the report when she returned to work. At that point, West was in contact with [REDACTED] through the department email. [REDACTED] perceived [REDACTED] was upset with the situation. [REDACTED] explained to [REDACTED] her concern that she didn't right the report, and that she did not want anything to come back on her if there was a discrepancy or error with the report. [REDACTED] was also concerned because [REDACTED] charged [REDACTED] with a crime and the possibility of pending court proceedings. At some point while [REDACTED] was communicating with [REDACTED], [REDACTED] recorded the incident on her phone and texted the video to [REDACTED] so she could review the incident. The reason [REDACTED] recorded the video and texted it to [REDACTED] was because [REDACTED] was unable to send the video through the department email.

When [REDACTED] returned to work, she had a discussion with [REDACTED] expressing her displeasure about the situation. [REDACTED] explained to [REDACTED] West was trying to look out for her and didn't want [REDACTED] to get in trouble for not completing the report prior to going on vacation. [REDACTED] believed she was allowed to leave on vacation without completing the report. I asked [REDACTED] if she felt it was appropriate for a sergeant to write a report for a deputy. [REDACTED] said she could not comment on that. I asked [REDACTED] if she had ever written a report for another deputy. [REDACTED] said, "No." I asked [REDACTED] if she would have concerns about a supervisor writing a report for her. [REDACTED] said she wouldn't like it and would rather write the report herself.



Interview of Deputy [REDACTED] (Witness)

On October 1, 2015, at approximately 1825 hours, I interviewed Deputy [REDACTED] as a witness in this investigation in the Administration's Sergeant's office at the Intake Release Center. Deputy [REDACTED] confirmed her name and PIN. Deputy [REDACTED] understood she was a witness in the personnel investigation. Deputy [REDACTED] acknowledged the Confidentiality Directive she signed before the interview and understood she is not permitted to discuss the investigation with anyone outside of Internal Affairs. She has worked for the Sheriff's Department for approximately eight years and is currently assigned to the Intake Release Center.

The interview was recorded and the following is a summary of the interview:

On July 23, 2015, at approximately 2140 hours, [REDACTED] was working at the Intake Release Center and involved in a use of force. A verbally uncooperative inmate, [REDACTED], was being searched by [REDACTED] and [REDACTED]. [REDACTED] became belligerent and made racist remarks. [REDACTED] was not complying with [REDACTED] and [REDACTED] directives. [REDACTED] tried to move around while the deputies attempted to search her. [REDACTED] pulled away from their grasp and kicked [REDACTED] and [REDACTED] took [REDACTED] to the ground. [REDACTED] was placed in restraints and escorted to a booking process delay cell. I asked [REDACTED] if a sergeant was present during the incident. [REDACTED] said, "Um... he wasn't... I don't believe he was present for the entire time but he did show up on the scene." She continued, "I don't know if he was off in the distance looking. I don't remember off the top of my head. I know that he did show up." [REDACTED] recalled when the incident concluded, Sergeant West was present. West was [REDACTED] direct supervisor on July 23, 2015.

After the incident, West asked both [REDACTED] and [REDACTED] what happened and they explained the incident. Both [REDACTED] and [REDACTED] were aware a use of force had occurred and they both were required to write a report documenting their actions during the incident. The evening became busy so both [REDACTED] and [REDACTED] went back to working on the booking loop. [REDACTED] was unsure if it was the night *of* the incident or the night *after* the incident, but she recalled having a conversation in West's office regarding her writing her report. [REDACTED] raised the issue that she was concerned she needed to write the report, but there was a delay in obtaining the video and she was going on vacation the following week. [REDACTED] was returning for one day the following week and then she was going to be on vacation for the following two weeks. In addition, West was not scheduled to work the following week, due to swapping scheduled days. As a result, the day after the incident, July 24, 2015, was the last day [REDACTED] and West were going to be working together before [REDACTED] left for vacation. [REDACTED] spoke to West about writing the report. [REDACTED] wanted to complete the report but she was not provided the video of the incident. West told [REDACTED] not to worry about it. [REDACTED] explained that she was going to be on vacation for a couple of weeks. West told [REDACTED] they have thirty days to turn in the report.

[REDACTED] explained it usually takes a week before the deputies receive the video. The sergeant does not download the video from the computer. The sergeant is supposed to submit a request for the date, time, and location of the incident to a Correctional Service Assistant (CSA) in administration. The CSA produces the video and gives the sergeant a copy of the incident. Deputies are provided the copy to review prior to writing their reports.



went on vacation in northern California. During her vacation, she was contacted by . Texted to let her know West was starting to stress about getting the report done. West was using as an in-between to raise an issue to get the report written'. did not know if West specifically told to contact . She just recalled receiving text messages from regarding getting the report completed. told she had spoken with West before she left for vacation and that West was fine with it. questioned why West was stressing about the report if they have thirty days to submit it. said she would be back in plenty of time to submit the report. specifically told if it was that much of an issue; then tell West to forward a template of the report form and a copy of the video to her via email. While on vacation, would write the report but West was going to pay the overtime for completing the report. did not hear back as far as West wanting her to write the report or if she was going to receive the video. assumed the issue was "dead" until she went back to work.

On August 8, 2015, was driving her to a cooking class. She received a work email from West. The email contained an attachment. opened the attachment and saw the initial crime report by . As scrolled down the attachment, she saw a follow up report. thought she was the only other deputy who was supposed to write a report other than . As she read the report, realized the report was "talking as if it was me." scrolled to the bottom of the report, saw her name was typed on the report, and West had signed the report. was "quite upset". She took a minute and called her a deputy assigned to the Musick facility, to vent about the situation. She was unsure how to handle the situation because she had "never had that happen before." did not know who had written the report for her. thought West might have convinced one of partners to write the report for her.

wrote a 'straight and to the point' email to West explaining she did not write the report, and that she did not know where he had received the report from. explained, based on the conversation she and West had prior to her leaving for vacation, it was her understanding she could write the report when she returned from her vacation. In addition, explained when she returned from vacation, she would submit her report. West responded to email. He apologized because he meant to explain when he sent the original attachment that he had written the report. West explained he looked at report and the video and wrote the report. West asked if there were any changes needed to make to the report to tell him and he would make the changes [**Investigative Note: See attached emails confirming statement**].

said, "I was still very upset. I was very angry, actually, to put it mildly. I was ticked off because I never... and I didn't know how, at that point how to really proceed with it because now I have a sergeant that wrote the report and..." did not respond right away to West's email. texted and asked for a copy of the video because she was not going to approve the report without reviewing the video. had talked it over with her and "kind of vented and kind of bounced stuff off of him how to handle it and said that... you know I'm just going to sit on it and not do anything with it and see if I can get the video. If I can get the video, then we'll see... we'll take it from there. But, um... I had told my . I am not comfortable going anywhere near this without at least seeing the video first and then maybe I would... I'd consider..."



██████████ received and reviewed the video. ██████████ emailed West with a couple minor changes to the report. West made the changes and sent the report back to ██████████ for final approval. ██████████ said, *"For the most part... I mean, it's pretty much an accurate depiction of what transpired. It's not in my words, but there is... its... it... there's nothing... other than a couple little minor changes I had him do, there was nothing dishonest, per say and like... the... the... describing of the events that happened."* I showed ██████████ the two different reports [**Investigative Report: See attached follow-up reports for details**]. ██████████ recalled telling West to change in the report when ██████████ told ██████████ to keep her hands behind her back, but that was not correct because ██████████ was still handcuffed at that time. ██████████ explained ██████████ was moving her body but she was limited on what she could do with her hands due to the handcuffs.

I asked ██████████ why she didn't tell West to delete the report so she could write the report on the follow-up report template. ██████████ said, *"Quite honestly... because once I was able to look at the video and I didn't have the argument of saying that I don't have that, it became down to a decision of picking and choosing my battles. Like, who wants to make life difficult and piss off a sergeant that I could be working with for the next two years."* I asked ██████████ if she would have told West that she would write the report would it have caused problems between her and West. ██████████ said, *"I don't know for sure if it would have, but that was definitely a huge concern for me. I mean, I don't know him well enough."*

██████████ returned to work from her vacation. While she was working with Sergeant ██████████ a deputy made a comment about a sergeant writing a report. A conversation ensued between ██████████ and ██████████ regarding the incident. ██████████ described the conversation as *"kind of general not real crazy detailed as far as what transpired."* ██████████ believed ██████████ was bothered by what she had told him. Later during the shift, ██████████ further questioned ██████████ about the incident. ██████████ explained why it wasn't okay that a sergeant wrote a report for her and what problems could arise from the situation. ██████████ asked ██████████ to keep their conversation confidential so other staff members would not know what happened. ██████████ explained that other staff members knew what had happened, but ██████████ requested she keep the details confidential.

Approximately a week later, ██████████ spoke with West in the Operation Sergeant's office. ██████████ recalled she didn't purposely go to his office to speak to him about the incident; she was just in the area to drop off jail logs. As she passed the office, West flagged her down. The conversation was informal and ██████████ recalled standing in the door way. West asked ██████████ if she was okay with everything regarding *"how it went down"* and that West wasn't trying to do anything 'shady' by doing it. West explained the scheduled vacations between ██████████ West, and ██████████ prevented them from working together before the thirty days were up, so it became a concern to West. West said he had a conversation with a lieutenant (West did not say the lieutenant's name, ██████████ assumed it was ██████████ because he was in charge of the use of force) about the situation and that the lieutenant questioned why ██████████ did not complete the report prior to leaving for her vacation. West did not explain what he did or tell the lieutenant why ██████████ did not complete the report.

The conversation jumped to the lieutenant suggested to West that maybe he needed to write ██████████ up for not completing the report in time. ██████████ became defensive and spoke up for herself and questioned why she would be written up, because she went to West before she went on vacation and got his approval to leave without writing the report. West explained he did not want ██████████ written up. ██████████ understood the conversation was that West wrote the report to protect ██████████ from receiving a write up.



I asked [REDACTED] how that conversation made her feel. [REDACTED] said, "I was mad." [REDACTED] told West that she was 'pissed' when she saw the email and it bothered her. West apologized; he felt he should have sent an explanation in the first email. West further explained sometimes things don't get portrayed the way they were intended through email versus a conversation. [REDACTED] further explained West said, "He wasn't doing anything shady about it. He doesn't think there's anything... like... he says you know, it's not like it's going to go anywhere, it's not a crime." [REDACTED] told West that the incident was documented on a crime report, but West did not believe it was going anywhere. [REDACTED] told me, "He honestly really didn't... it really appeared that he really didn't think that there was... it was a big deal."

While [REDACTED] was talking with West in the office, [REDACTED] felt West had somehow found out about the conversation between [REDACTED] and [REDACTED]. [REDACTED] debated about telling West that she and [REDACTED] had a conversation about the incident. By telling West about [REDACTED] and [REDACTED] confidential conversation, [REDACTED] felt it would betray the trust [REDACTED] had placed in her. [REDACTED] believed West was going to find out about their conversation. [REDACTED] decided to tell West she had a conversation with [REDACTED] about the incident. Later, when [REDACTED] returned to work, [REDACTED] told him that she told West about their initial conversation between her and [REDACTED].

I asked [REDACTED] if she told [REDACTED] the reason she went along with the entire situation regarding the reports was because she didn't want to "rock the boat" with her supervisor. [REDACTED] responded, "Yeah." I explained to [REDACTED] that [REDACTED] documented in his report when he asked her if she lost confidence in West as a supervisor she was reluctant in answering the question. I asked [REDACTED] "Did you lose confidence in him as a supervisor?" [REDACTED] replied, "I don't know if I can really say that. I mean that seems a little extreme. I'm not sure if I am willing to say 'lost total confidence in him.' I only know limited things about him as a supervisor and um... I mean I don't know, maybe him just being told 'hey, this isn't something you do... don't do it again' and you know. Other than that he'd be... for all I know might be a great supervisor. I don't know, I mean, I'm kind of limited. I have only had him as a supervisor some... handful of times. I mean he's been on our shift as a vacation relief sergeant, but you know, he only filled in for Sergeant [REDACTED] when he was on vacation and I was only exposed to him so much. So, I don't know if I could... I don't know if I'm the right person to say."

I explained that West is [REDACTED] supervisor and he had done something that she did not agree with. Therefore, if she works for West in the future, if she is confident and absolutely sure that he's not going to make the same mistake when he has already done it once. [REDACTED] said, "I guess when you put it that way. I mean, no I can't say for sure it might not happen again. I mean, it could. It depends on how well he learns his lesson from this." I confirmed when [REDACTED] had a conversation with West; he didn't apologize for what he did. [REDACTED] said, "No, because honestly I don't think he really thought that there was anything wrong with what he did." I pointed out that West had done it and [REDACTED] has an issue with it. Down the road when West is her supervisor, is she confident that West will correctly supervise her, or whenever she gets into a situation or needs advice or direction is she going to go to a different supervisor to insure she is doing it the right way.

[REDACTED] said, "I guess it would be kind of hard for me to have a hundred percent confidence in him. I guess when, yeah, when you put it that way and when you look at the situation... it, I mean, it's hard for me to say that, simply because I don't... I'm not looking to get anybody in trouble." I further questioned [REDACTED] regarding West being her direct supervisor in the future after this incident.



██████████ said, "Yeah, I think it would be an issue. It would be an issue for me going forward and it would be an issue for me simply concern also from the stand point of... I don't know him. I don't know how he deals with situations like this. I don't know if he could also move on from something like this and not... I mean, it not be an issue, even for him with me going forward."

Interview of Sergeant ██████████ (Witness)

On October 1, 2015, at approximately 1944 hours, I interviewed Sergeant ██████████ as a witness in this investigation in the Administration Sergeant's office, at the Intake Release Center. Sergeant ██████████ confirmed his name and PIN. Sergeant ██████████ acknowledged the Confidentiality Directive he signed before the interview and understood he is not permitted to discuss the investigation with anyone outside of Internal Affairs. Sergeant ██████████ understood he was a witness in the personnel investigation. He has worked for the Sheriff's Department for approximately twenty six years and is currently assigned to the Intake Release Center.

The interview was recorded and the following is a summary of the interview:

On August 22, 2015, Sergeant ██████████ had a conversation with ██████████ regarding a use of force. ██████████ told ██████████ a use of force incident had occurred in July 2015 while ██████████ was on vacation. Sergeant West was covering for ██████████. ██████████ explained that she offered to write her report because she was going on vacation. West told her not to worry about it, because she could write the report when she came back from vacation. While ██████████ was on vacation, she began receiving messages indicating West was getting nervous because the reports were not going to be completed on time. ██████████ received an email from West containing reports. One report was by ██████████ and the other report by ██████████ explained that she did not write the report.

During the conversation, ██████████ told ██████████ the reason she went along with approving the report was because she did not want to 'rock the boat' with her supervisor. ██████████ asked ██████████ if she felt comfortable with West or if she had lost confidence in him as a supervisor. ██████████ explained ██████████ was afraid to answer. ██████████ did not want to voice an opinion or answer the question. Eventually, ██████████ said she felt West made the wrong decision at that time.

After August 26, 2015, ██████████ told ██████████ she had a discussion with West in the Operation Sergeant's office. West asked ██████████ if she was okay with everything. West tried to explain that it wasn't a big deal and that he wasn't trying to be 'shady.' ██████████ told West she was uncomfortable with the entire situation. West reassured ██████████ that it wasn't a big deal and it wasn't going anywhere. West claimed a lieutenant ██████████ assumed it was ██████████ was asking why her report wasn't completed. West explained that the lieutenant was asking questions and making statements that ██████████ should be written up for it. ██████████ got upset and stated to West she had offered to write the report prior to leaving for her vacation. West wrote the report to avoid having ██████████ written up. ██████████ felt West was trying to smooth the situation out because she was upset. As ██████████ was getting upset at West, the conversation kind of dropped, he made a couple jokes and the conversation ended. ██████████ documented both conversations he had with ██████████ on a department memo addressed to Lieutenant Ramirez.



Interview of Lieutenant [REDACTED] (Witness)

On October 6, 2015, at approximately 0920 hours, I interviewed Lieutenant [REDACTED] as a witness in this investigation in the Intake Release Center Watch Commander's office at the Intake Release Center. Lieutenant [REDACTED] confirmed his name and PIN. Lieutenant [REDACTED] acknowledged the Confidentiality Directive he signed before the interview and understood he is not permitted to discuss the investigation with anyone outside of Internal Affairs. Lieutenant [REDACTED] understood he was a witness in the personnel investigation. He is currently assigned to the Intake Release Center.

The interview was recorded and the following is a summary of the interview:

On July 23, 2015, Lieutenant [REDACTED] was working as the Watch Commander at the Intake Release Center. Sergeant West was assigned as the Operations Sergeant. At approximately 2140 hours, there was a use of force that occurred on the booking loop. West was responsible to complete the supervisory analysis for the use of force. At some point, [REDACTED] received a use of force notification via the Customer Relations Management (CRM) data system. [REDACTED] was assigned as the Vacation Relief Watch Commander and West was assigned as the Vacation Relief Sergeant. I asked [REDACTED] if he had a conversation with West regarding when West was going to submit the reports to him. [REDACTED] said he wanted the reports as soon as possible, which is the standard protocol. I asked [REDACTED] if West told him that [REDACTED] was going on vacation and that West was going to allow her to write the report when she returned. [REDACTED] told me he did not recall that conversation. [REDACTED] was under the assumption the deputies were going to write the reports and submit them as they normally do.

I asked [REDACTED] if West told him that he was allowing [REDACTED] to submit her report at a later date. [REDACTED] said, "Not to my recollection." After the incident, I asked [REDACTED] if he had a conversation with West regarding [REDACTED] not turning in her report in a timely manner. [REDACTED] said, "No." I asked [REDACTED] if he had a conversation with West regarding [REDACTED] not submitting her report in a timely manner and [REDACTED] recommending [REDACTED] be written up. [REDACTED] said, "No." West never came to [REDACTED] after the incident expressing his concerns that he had not received [REDACTED] report and believed the use of force analysis might have been delinquent after thirty days.

[REDACTED] explained that he received everything he needed [REDACTED] report, [REDACTED] report and West's use of force analysis) to review the incident. [REDACTED] approved West's use of force report via the CRM system, and sent it to Captain D'Auria. [REDACTED] did not recall if the report with [REDACTED] name on it was submitted to him in the watch commander's report box. [REDACTED] recalled the report was attached to the use of force in the CRM. I asked [REDACTED] if he knew who wrote [REDACTED] report. [REDACTED] assumed it was [REDACTED] he added that nobody is supposed to write other peoples' reports. I asked [REDACTED] if West came to him and told him someone else had written the report for [REDACTED] [REDACTED] said, "No." When [REDACTED] pulled up the report on the CRM, he assumed [REDACTED] wrote the report with her name on it.



At a later date, *after* [REDACTED] completed his supervisory analysis of the use of force, he was informed there was a problem with [REDACTED] report. [REDACTED] was on vacation, out of California, and he received a phone call from Lieutenant M. Ramirez. Ramirez asked [REDACTED] if he looked at [REDACTED] report and the use of force analysis. [REDACTED] confirmed he cleared all of his assigned use of force reports prior to leaving for vacation. Ramirez told [REDACTED] there might be an issue with the report and it was possible someone else had written the report. [REDACTED] said the first time he heard there might be a problem with the report was when Ramirez called him on vacation.

[REDACTED] had not spoken to [REDACTED] about the incident. After both [REDACTED] and West returned from their respective vacations, West approached [REDACTED] in his office. West told [REDACTED] there might be an issue with the report. [REDACTED] told West that he needed to speak with Captain D'Auria regarding the issue. [REDACTED] did not know if the report by [REDACTED] was submitted to him or if he had initialed the report. He added that he receives a lot of reports and could not specifically recall. I confirmed with [REDACTED] at no time did West ever approach him and explain a possible scenario that he might have written the report for a deputy who was on vacation with her approval. At no time, did [REDACTED] have a conversation with West regarding writing [REDACTED] up for not submitting her report in a timely manner.

Internal Affairs Interview of Sergeant Ron West (Principal)

On Wednesday, October 14, 2015, at 1903 hours, Sergeant Michael Tanabe and I interviewed Sergeant Ron West with AOCDS Representative David Goldwasser present. The interview was recorded. West identified himself. He understood he was a principal in this investigation. West acknowledged the confidentiality directive he signed before the interview and understood he is not permitted to discuss the investigation with anyone outside of Internal Affairs. Prior to the interview, he read his Miranda Warnings and understood his rights. West would not waive his rights, and as a result, I compelled him to answer my questions under Lybarger. I informed him that the complaint was initiated by Sheriff's Administration and that it is alleged that his on-duty conduct was unprofessional between July 23, 2015 through September 1, 2015. West has worked for the Sheriff's Department for the past fifteen years. He is currently assigned as a Sergeant at the Intake Release Center.

The following is a summary of the interview:

Sergeant West was working on Thursday, July 23, 2015, as the Operations Sergeant at the Intake Release Center. A use of force incident occurred during the shift. On the booking loop, a female inmate became uncooperative, began yelling profanities, and kicked one of the deputies. As a result of her actions, the deputies took the inmate to the ground. The inmate was secured and taken to a cell. West was not present during the use of force incident. West arrived after the inmate was taken to the ground. After the incident, West directed Deputies [REDACTED] and [REDACTED] to write a report, documenting their actions during the incident. West allowed [REDACTED] and [REDACTED] to write their reports at a later date after July 23, 2015, but did not tell them when they were required to submit their reports.



I asked West if he was aware that [REDACTED] was going on vacation on July 30, 2015. West said, *"I wasn't that night. I was not aware."* He added, *"I think when it first occurred to me would be when we came back, which was..."* West continued, *"...the following night we worked. That's when it was brought up, 'I'm going to be on vacation.'" West was told [REDACTED] was going to be on vacation for two weeks. I asked West when [REDACTED] told him she was going on vacation for two weeks, did he tell her she needed to complete the report prior to leaving for vacation or when she returned. West said, "I'm unclear exactly what was said after speaking to her. Later, down the road she told me I'm going to...after I saw her again...about a month later; she told me it was her understanding that she could write the report when she came back from vacation because she hadn't received the DVD video." West did not tell [REDACTED] she needed to turn her report in by the end of her shift since she was going on vacation. West told me it is customary for deputies to write their reports, after they receive a copy of video from the Correctional Service Technician (CSA). The process to receive the video begins with a sergeant completing a request and submitting it to the CSA. The video could be provided the next day or may not be provided for several days. I asked West if he recalled when he received a copy of the video. He replied, "I don't."*

After [REDACTED] went on vacation, West had a conversation with [REDACTED] regarding [REDACTED] report. West told [REDACTED] if she saw [REDACTED] while on vacation, to ask her if she could get the report completed and turned into West because he was going on vacation and he wouldn't be at work when [REDACTED] returned from vacation. West asked [REDACTED] to ask [REDACTED] if she could write the report and email it to him. West added that if [REDACTED] wanted to be paid overtime for writing her report on vacation, he would approve it because he needed the report. I asked West why he didn't call [REDACTED] himself. He told me, *"I didn't. I have no excuse for that."* West had a conversation with [REDACTED] in which he either told [REDACTED] he was going to write [REDACTED] report for her or that he had already written [REDACTED] report. I asked West to explain the purpose of telling [REDACTED] why he was going to write [REDACTED] report for her. West said, *"To let [REDACTED] know... to relay to [REDACTED] that, again, like, I have no reason or no excuse for not calling [REDACTED] myself, but... because I knew she was going to see [REDACTED] I said, 'Look, I'll just... if it's going to come down to it, I'll do it myself and have her go over it, if it's... it's... I guess my mind set was if it's that difficult for her to do it, I'll just do it and send it to her and have her approve it. Make the changes that she needs and send it back to me, so I can get this thing turned in."*

West explained [REDACTED] went on vacation for two weeks, and when she returned West would be on vacation for two weeks. In addition, Lieutenant [REDACTED] was going on vacation while West was on vacation. West returned from vacation on August 26, 2015, and [REDACTED] was on vacation between July 30, 2015, to September 18, 2015. [REDACTED] was the watch commander on Thursday, July 23, 2015, the day of the incident, and was assigned the use of force.

I asked West if he told [REDACTED] he didn't want [REDACTED] to get in trouble for turning her report in late. West said, *"To that effect, I told her 'Hey look, I mean, let her know if she's got heart burn over this... let her know, I'm... I'm looking out for her.' I'm not trying to ding her, I'm not trying to have this come down on her. At the end of the day, I'm the one that should have said 'write your report before you go home today' and taken the appropriate steps to make that possible for her to do. You know, in hindsight, but I did tell [REDACTED] to relay the message to her... this is... I'm not, I'm not out to get her. I'm not trying to throw her under the bus, that's why I'm doing this, is so that..."* I asked West why he needed to tell [REDACTED] he did not want [REDACTED] to get in trouble. West replied, *"That was regarding the report."* He added, *"By the time... sort of how that played out with [REDACTED] was..."*



By the time [REDACTED] was coming back from vacation, I wasn't going to be there for another two weeks. By the time I got back, Lieutenant [REDACTED] wasn't going to be there for another two or three weeks. I forget the exact dates, um, and that's what I explained to [REDACTED] was 'this is kind of why I'm doing this.' I don't want this thing to go delinquent, this use of force doesn't meet the thirty day deadline of not being turned in and that's why I'm doing that. So, let her know that... kind of... I don't know what's going through [REDACTED] mind. I don't know what her take is on the whole thing, and that's kind of what I told [REDACTED] 'Let her know I'm not... I'm not trying to burn her on anything.' I'm looking out for her. I don't want her to get in any trouble, either. So, that's sort of why I'm taking this course."

I asked West if he wrote [REDACTED] report for her. West told me, "Yes." Sergeant Tanabe asked West to clarify if he was telling [REDACTED] she needed to complete the report so she didn't get in any trouble, or was West taking responsibility for not having [REDACTED] complete the report before she left for her vacation. West explained he told [REDACTED] the next time she saw [REDACTED] to let her know about writing the report because West was not hearing back from [REDACTED]. West wanted [REDACTED] to let [REDACTED] know he did not want her to get in trouble. West took it upon himself to type the report.

West sent both reports to [REDACTED] and [REDACTED] because West intended to submit the report if [REDACTED] approved the report written by West. Tanabe asked West if he was alluding through [REDACTED] that [REDACTED] might get in trouble if she did not complete the report as soon as possible. West said, "No." I showed West a copy of the first report he sent [REDACTED] (see 1st report attached), West confirmed it was the first report he sent [REDACTED]. I asked West if [REDACTED] responded to his first email, which contained a copy of the report. West said she did respond to his email (August 8, 2015 at 1015 hours). West said [REDACTED] stated in the email, "Sir, I did not write the report that has my name on it. Not sure where that report came from, but that report is not mine. I did not have video to review to write my report before going on vacation. I mentioned that to you our last day we worked together and it was my understanding from that conversation that I could write the report when I return from vacation. I will turn in my report to you next week when I am back." I asked West for his interpretation of [REDACTED] response. West said, "The way this was written, immediately... I mean, because I wrote... I looked... I went back and wrote what I had sent to them and said I have attached the reports for the use of force. Let me know if you have any questions. My interpretation of that was this is... I think she took it as, this is what is going to be turned in and it's got your name on it and all of a sudden there's an email with a report with my name on it... that is bad all around. That something is going on here and I don't know what it is, because I didn't explain myself more clearly to her in the first email. That was my interpretation of this email. Automatically, she's on defense and is kind of asking what's going on."

I asked West, after he received [REDACTED] initial response, if the thought ever crossed his mind to wait until the following week when [REDACTED] returned. West said the thought didn't because by the time [REDACTED] was going to come back from vacation, West was going to be gone for two weeks. He wasn't going to cross paths with [REDACTED] it would still be beyond the deadline of 30 days. I asked West if he responded to [REDACTED] first email. West did respond on August 8, 2015 at 1126 hours and wrote, "Hey, sorry I didn't explain. I meant to send you another email but I got a little busy and forgot. I wrote that report but have not turned it in. I sent you a copy so you could see it and tell me if you agree with it. If you approve it, I will submit it along with [REDACTED] If there's anything you want changed, let me know and I'll handle it. I'm going on vacation for two weeks and won't see you before the deadline of that incident. Lieutenant [REDACTED] is going on vacation for a month and still has to approve my use of force review."



Since yours is just a follow up and there were no injuries to anyone, I reviewed the video along with [REDACTED] report to write the one I sent you. Please let me know if you approve and I'll get it all turned in before the deadline. Again, sorry I forgot to explain. I hope to hear back from you soon." I asked West what he was implying when he wrote, "Since yours is just a follow up and there were no injuries to anyone, I reviewed the video along with [REDACTED] report to write the one I sent you." West said he wanted to convey to [REDACTED] that he wasn't trying to falsify a report and turn in something with [REDACTED] name on it. The report was a testimony of her actions that took place during the incident and the report was based on [REDACTED] report and the video. I asked West if he was trying to down play the fact it was just a follow up report, there were no injuries, and he didn't believe it was going anywhere. West said, "No. I was not trying to down play that at all. I wanted, and in fact, I had explained to [REDACTED] this is a... because she's writing a criminal report. [REDACTED] is also testimony to criminal trial if this were to go somewhere. So, no, not to down play the charges or the seriousness of the report, but to let her know that... because I saw the video, because [REDACTED] was there, witness of what took place. This was the best that I could understand what actually took place and she also... by this point, I believe she had a copy of the video."

I confirmed with West that he wrote the report based on watching the video and reading [REDACTED] report. West said, "Right." West further explained that he believed his report was on his computer screen when he asked [REDACTED] about the inmate's statements during the incident. [REDACTED] had her own report and confirmed what West was asking. I asked West if he directed [REDACTED] to send [REDACTED] a copy of the video. West said, "Yes." I asked why he directed [REDACTED] to send the video. West knew [REDACTED] was going to see [REDACTED] within a day or two. He gave the video to [REDACTED] and asked her to give it to [REDACTED] after the email was sent on August 8th. I asked West if deputies were allowed to remove video of a criminal incident from the facility. West did not know.

On August 10, 2015, at 1333 hours, [REDACTED] sent West a second email. West read [REDACTED] response to his email, "Sorry I was unable to get back to you sooner. The first and third paragraphs are fine. In the second paragraph I started holding only right but ended up holding both wrists because she was moving her arms as [REDACTED] was removing hair tie. The handcuffs were still on throughout the entire incident, so I didn't tell her to keep her hands behind her back, but I told her to stand still and stop moving around. Think that's it." After receiving [REDACTED] second email, West made corrections to the report. I showed West a copy of the second report; he confirmed it was the report with the corrections he made (**see 2nd report attached**). West added, "This is the one with the corrections that she emailed me. That have been put in this report to reflect that that's what [REDACTED] testimony is now that she has the video and in her own words, what would be in that report."

I asked West, when he wrote the report, why he typed [REDACTED] name in the area "Report By." West stated, "At that point it was going to be turned in as her report and she had emailed me confirming this is the changes to be made. So, by these emails... I'm now under the understanding that she's agreeing to this... that, or doesn't have a problem with it I suppose, and this is going to be her report, her testimony, her words from this email, in the report that's going to be turned in." I asked West why he didn't put his name in area "Report by". West said, "Again, I have no excuse for that." He added, "It didn't occur to me. I mean it makes perfect sense now. But at the time it didn't occur to me. Mainly, because I've... haven't written a report for anyone else before. So, that's the best I could tell you. I really don't have an excuse. That makes perfect sense."



I asked West if he believed putting [REDACTED] name in the area "Report by" gave the reader the impression that [REDACTED] wrote the report. West said, "Yes." I followed up the question with, "Did she actually right the report?" West replied, "She did not physically type out the report, no." I asked West why he didn't document that in the follow up report. West reviewed [REDACTED] report and the video of the incident, sent the report to [REDACTED] via email to confirm the report was factually correct, and [REDACTED] indicated it was factually correct. West said, "It didn't occur to me. Again, I have no excuse for not doing that. I messed that up and it's... I haven't been down this road before, haven't done this before. But I would certainly include any of those facts or things inside the report if this would happen again. Which, hopefully..." I asked West, other than being deceptive, why put [REDACTED] name in the area "Report by" and document the whole chain of events. West said, "Lack of experience. I made a mistake, poor judgment... that's really... Again, I have no excuse. I mean it's, just it... it... the thought wasn't crossing my mind at the time, right at the forefront of my mind was getting this thing turned in before the thirty day deadline, being that I was on vacation..." Goldwasser asked West if he was intending to deceive. West said he had no intentions to deceive.

I asked West if he signed off the second version of the report. West said he did not sign it off right away. Once the corrections were made, he sent the report back to [REDACTED] in another email. West emailed [REDACTED] "Please take a look at this and let me know if you approve it. If so, I will sign it off and turn it in." [REDACTED] responded, "It looks fine, thanks, sir. [REDACTED]" At that point, West signed off the report. The report was scanned into the CRM system. West submitted the folder into [REDACTED] mail box. West did not speak to any lieutenant regarding [REDACTED] not completing her report prior to going on vacation. West did not speak to any lieutenant about his sergeant's use of force analysis possibly being delinquent due to the consecutive vacations scheduled for [REDACTED] and him. I asked West if it mattered to him that the lieutenant signing off the report believed [REDACTED] wrote the report. West said, "Yeah... I mean now. Now it. Absolutely." I asked West about how he felt at the time he submitted the report. West added, "At the time... I mean... in... in... Because of the emails and [REDACTED] approving the report... I didn't think of that."

On August 19, 2015, West emailed [REDACTED] and [REDACTED] that the use of force analysis was closed and West did not recommend any further action. In addition, all reports had been submitted and approved. After West returned from vacation, he spoke with [REDACTED] regarding the incident. West called [REDACTED] in the office and apologized for how he communicated through the email. West said, "Just so you... you know... we're on the same page here. I don't want you to think there's anything shady, anything deceptive, any bad blood going on. I don't want you to feel uncomfortable that you were put in an uncomfortable situation. That is why I did all through department emails so that it was open for anyone who wanted to see it. Everything would be recorded. That initial report was sent to you for your approval. Once you tell me the changes and you send it back. I go... I wasn't going to in a report with your name on it and... and... basically something I had just written... you know... fashioned on my own. I didn't... I basically wanted to put her at ease and understand that 'hey, I'm not out to get you.' I would have liked to have the report before you went on vacation knowing the time lines, now that when you come back, I'll be gone. When I come back, Lieutenant [REDACTED] will be gone and by the end of this thing it's... you know, two months have passed along. That was the conversation I had with her."



I asked West if he told [REDACTED] he had a conversation with a lieutenant about the situation and that the lieutenant had questioned why [REDACTED] did not complete the report prior to leaving for her vacation. West said, *"No, absolutely not. I know where that came from and I told her why I did what I did; and I explained to her that had that report not been turned in, that I would be basically standing on the carpet in front of my boss trying to explain why it wasn't done and he's going to tell me 'hey, go do your job. You're a sergeant; you need to come down on the deputy to make sure the deputy has their paperwork done by the end of the shift. That's your job.' That's what I explained to her and that's when she kind of... she... starts like she's thinking and she says 'why am I being written up' and I said, 'look, you're not being written up. I'm explaining to you the situation. The way that the whole thing played out. Had I gone in and tried to explain to the lieutenant why I basically... I failed to do my job for two days in a row. That's... where does that leave any of us?' That's... and that I believe is what was taken out of context, and when she walked away she felt like I had been ordered to write her up."* For clarification, I asked West if he told [REDACTED] a lieutenant told him to write her up. West said, *"Absolutely not."* I asked, *"Or suggested for [REDACTED] to be written up"*. West replied, *"No. In fact, I didn't even tell her I spoke to the lieutenant. It was a hypothetical... like you said, it's completely hypothetical had I gone in and had to do that, then this is probably how this conversation would go and I think she took that as... that I actually talked to the lieutenant and he told me to write her up."*

Tanabe asked West, *"Did you suggest in any way that she would get in trouble, by anybody... by lieutenant or anybody for not writing her report?"* West said, *"No, I didn't."* I asked West if he told [REDACTED] during the conversation that 'It's not going anywhere' and 'it's not like a crime.' West initially said "No" and then explained, *"I told her this... this is a 148... I probably down played it like that. Um... I said, it's... you know... a 148 use of force in the jail, misdemeanor. I go, there's no telling where these things go. I go, very rarely do they go anywhere. But that's why I needed you to verify this report. I can't write a crime report or follow up in your name. Then she tells me... and I said, basically are we good? I mean do we... are we on the same page? Are you and I going to be fine working together? And she says 'yeah', you know, 'I appreciate you talking to me.' She starts to walk out of the office and then she comes back in and she says, 'Oh, just so you know, this may have been mentioned in passing in front of Sergeant [REDACTED]. And whatever... however he took it, I don't know. But he may speak to you about it."* West said the conversation concluded.

I asked West if the district attorney's office filed charges for 241/243 and [REDACTED] was subpoenaed to testify at a prelim or jury trial; while she was on the stand, how is she supposed to respond in court when questioned if she wrote a report, documenting her actions during the use of force? West said, *"I guess she's going to have to explain this entire email chain and everything else and how it got written and how it got completed and how it was approved and..."* I asked West if he thought there may be Brady issues. West said, *"I can see where that would come up."* West said, *"No. Based on the kind of report that was turned in and the fact that she reviewed it and reviewed the video and everything else; I think that that... that the final report is clear and accurate... in her first person narrative of what took place base on the email that she sent me saying perfect... that... or... it looks fine, thanks."* I said the fact she did not write the report; and while [REDACTED] would be questioned on the stand and asked if she wrote the report; how is she supposed to respond?



There was a report with [REDACTED] name on it and it states "by Deputy [REDACTED]". The next question the defense attorney is going to ask is why the report has [REDACTED] name on it and if she wrote it. So, if [REDACTED] says she did not write the report, what did West expect her to say? West said, "I don't know." He continued, "That Sergeant West wrote this report. That's what I'd expect her to say." I asked, "Would that not be a Brady issue?" Goldwasser objected to the question because that called for a legal conclusion and West is not an expert in Brady. I clarified my question and asked West what he expected his subordinate to do when testifying in this situation. West replied, "That's not something that I had thought of when this whole thing went down." I asked West if he had a conversation with [REDACTED] about how she should handle the report if the case was filed. West said, "No."

I asked West if he had ever written a report for another deputy before and put their name in the "Report By" area. West said, "No." I asked West why he didn't let the use of force report go delinquent. West said, "I'm new. I haven't encountered that situation, yet. Um, and again, this vacation timeline where one's going to be gone and those things weren't really in the forefront of my mind. At the time... you know... actually before it was too late, that's not what I was thinking was 'I'm going to be gone and then Lieutenant [REDACTED] is going to be gone.' Once this all occurred to me, it was about the time that I had started my vacation and that's when I was telling [REDACTED] to get the message to [REDACTED] let her know... Are you going to write the report, if not... then... you know... might as well just write it myself and send it to her and get this ball rolling." I asked West when he realized the schedule wasn't going to accommodate the thirty day rule for submitting the use of force analysis, why didn't he just go to [REDACTED] and ask him for guidance. West said [REDACTED] had been gone since July 30, 2015. I simplified my question and asked why West didn't go to any other direct supervisor where he could receive direction on how to handle the situation. West said he had no excuse for that and he made a mistake.

Tanabe explained that we all made mistakes. But questioned why West didn't go talk to a lieutenant and explain the situation. West said, "It wasn't, it was absent. I wasn't... I've... by the time I had figured out the time line, when [REDACTED] wasn't there... I get, you know... I could have gone to any lieutenant and said 'Hey, what's your advice on this. How do we extend the CRM... the use of force reporting system, or what happens when it goes delinquent? I don't know. I don't know any of those things. At this point, I'm a month... a month into being a sergeant... a month and a half... and kind of new to all of this. Just trying to figure out, okay look, how does it all go? And that day, I went through that day making mistakes and now you know, soon as all this came up I realized... things that you've said in this interview, I realize a lot of things and I just didn't do it." Tanabe pointed out that he made a mistake; he asked West if it was his intent to try and hide the mistake from everyone and fix it behind the scenes without having to go to his supervisor. West said, "Yeah, I believe the intention... once this email started going and the reports started going... I had one report in hand, I only needed one other report and I had everything else done. My intention was, with [REDACTED] approval, was to just get all of this turned in and put it behind us. That was it and... you know... not look bad, not create a problem... um, which I realize now has created more problems than... I could imagine."

I asked West if he was given the opportunity to go back in time, what would he do different given the same circumstances. West said he would do exactly what he did the night before the interview. West pulled the deputy out of his assigned position and placed him in the video room to review the video of the incident. Then he had the deputy complete the report before the end of his shift. West realized he should have had [REDACTED] do the same thing and complete the report before the end of her shift.



I asked West, while he was writing the report, if he believed he was doing anything wrong. West said, *"While I was typing, my intention was to send it off to her and get her approval and... no... just on... I guess from just being a training officer for so many years and deputies would email... the trainees would send a report and you go through, you make the corrections, send it back and 'hey, read this... what do you think?' They send it back to you and it just goes back and forth like that... that was my mind set of..."* I explained the difference was the deputy wrote the report and had his or her name at the bottom of the report. I clarified my question and asked West, when he wrote the report, if he believed he was violating any policies or laws. West said, *"Uh, no... when I wrote the first report with her name on the bottom of it, it did not occur to me to even write my name, because I've never written some else's report. I certainly will from this point forward and the fact that I was sending it to her, and it was indicated in the email this isn't going anywhere, it's sitting in my cyber space... this isn't going to anyone. No one is going to get it until you've taken it. You've changed it the way you want it... you're basically putting your stamp of approval on it and sending it back in your name."*

Goldwasser asked West about utilizing his supervisors. West said he would utilize his peers and supervisors for advice to make sure he does his job correctly. Goldwasser asked West what his intention was for being a sergeant with the Orange County Sheriff's Department. West said his intention was not only to do the best possible job, but to teach subordinates about situations before they encounter them. His intention was to do a great job for the department and to reach out to his peers, supervisors and train his subordinates the correct way.

Included for Review

- Initial Action
- Investigative Summary
- Department Memos
- Department E-mails
- Deputy ██████ 1st report
- Deputy ██████ 2nd report
- Use of Force Summary
- Recorded interviews



DEPARTMENT MEMOS

ORANGE COUNTY SHERIFF'S DEPARTMENT
Santa Ana, California



TO: Captain Byerly
FROM: Commander T. Bland
DATE: September 21, 2015
RE: Request for Internal Affairs Investigation

Captain P. D'Auria has requested an internal affairs investigation be conducted regarding the on- duty conduct of Sergeant Ron West. The memo from Captain D'Auria along with other supporting documentation is attached. I concur with the recommendation. Please initiate a personnel investigation for the policy violations noted on Captain D.Auria's memo:

A handwritten signature in blue ink, appearing to read "T. Bland".

Commander Toni Bland

A handwritten date in blue ink, "9/21/15".

Date

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Cmdr. T. Bland
FROM: Capt. P. D'Auria 
DATE: September 18, 2015
RE: PI Recommendation Supplemental

This is supplemental information on the recommendation for PI involving Sgt. Ron West.

On September 18, 2015, at about 0730 hrs., I spoke to Lt. [REDACTED] in the Watch Commander's office. He was aware of the situation involving Sgt. West writing the report for Deputy [REDACTED] having been briefed by Lt. Ramirez. He told me he was unaware that Sgt. West had done that and when he approved the reports he was under the assumption that Deputy [REDACTED] had written it. Sgt. West never mentioned he had written the report for her.

Additionally, Lt. [REDACTED] said he and Sgt. West never had a conversation about Deputy [REDACTED] report being late or not writing it before she left on vacation. Further, he never had a conversation with Sgt. West inferring she should be written up for not writing her report in a timely manner.

Lt. [REDACTED] was disappointed that Sgt West would conduct himself in this manner and if true has lost confidence in him as a supervisor.



ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Cmdr. T. Bland
FROM: Capt. P. D'Auria
DATE: September 16, 2015
RE: Recommendation for PI

Lt. Ramirez brought to my attention that Sgt. Ron West may have falsified a report by writing the report for a deputy and submitting it as that deputy's work. Sgt. West is a new supervisor and currently on probation.

In July, Deputy [REDACTED] was involved in a Use of Force. She was leaving on vacation the next day and told Sgt. West she would write it before she went home. He told her that would not be necessary and to write it when she returned. At some point during the week, Sgt. West made another deputy aware that he was "stressed" about the report not being completed. Deputy [REDACTED] then received an email from Sgt. West with "her" report attached. She confronted Sgt. West with the fact that she did not write the report and did not know where it came from. Sgt. West stated he wrote the report and asked her to review for accuracy. She relayed some inaccuracies and he submitted the corrected report as hers. In a later discussion, Sgt. West alluded that the Lieutenant was not happy that the report would be late and wanted her written up and she did not believe he took responsibility for the matter.

See detailed memos from Sgt. [REDACTED] and Lt. Ramirez for additional details.

Deputy [REDACTED] expressed that she was very uncomfortable with this situation but was hesitant to do anything because Sgt. West is her supervisor.

If accurate, Sgt. West's actions bring into question his ability to supervise. I believe it erodes trust and degrades his ability to effectually supervise his subordinates. It is a serious lack of judgment. Further, it puts the department in a position to incur liability and discredit in any future litigation arising from this incident.

I recommend this be sent to PSD/Internal affairs for a Personnel Investigation for the possible policy violations:

Policy 1001 STANDARD 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

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.



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.

1018.55 PROHIBITED ACTS OR OMISSIONS

- 14. Unsatisfactory work performance including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- 19. The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- 24. Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- 26. Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation
- 39. Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

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.

ATTACHMENTS:

Memo by Lt. Ramirez

Memo by Sgt. [REDACTED]

Copy of reports

Copy of e-mail chain between Sgt. West and Deputy [REDACTED]



ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Captain P. D'Auria
FROM: Lieutenant M. Ramirez
DATE: September 4, 2015
RE: Use of Force Incident 15-155580

It was brought to my attention that Sergeant Ron West handled a Use of Force incident where he wrote the Use of Force report for one of the involved Deputies. Sergeant [REDACTED] confirmed that Sergeant West wrote the Use of Force report for Deputy [REDACTED]. See Sergeant [REDACTED] Internal Memo for details.

Report preparation is a major part of each Deputy's job. The purpose of reports is to document sufficient information to refresh the Deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Deputies required to testify on criminal cases or civil matters will rely on their written reports. Prior to testifying, Deputies are routinely asked if they wrote their report and for the accuracy of the report. Having somebody write a report in someone else's name could jeopardize any case. This practice is not only unauthorized, but might raise questions of accuracy, integrity and bring discredit to the Sheriff's Department.

A Supervisor is responsible to thoroughly review all submitted reports for completeness and accuracy prior to approval. A Supervisor should not write any report for a subordinate and put the subordinate's name on the report indicating the subordinate wrote it.

A Supervisor should require additional information or corrections when necessary on all reports prior to approval. A Supervisor should not make the corrections for the subordinate indicating the subordinate made the corrections. In some cases, this might be a limited practice to provide guidance and instruction. However, this is not the case in this incident.

Any Supervisor knows or reasonably should know that writing a report for a subordinate is conduct unbecoming of a Supervisor of the Department or which is contrary to good practice, order, morale and tends to reflect unfavorably upon the Department, its members and more specifically in this case to Jail Operations.

Supervisors need to set a proper example to their subordinates to follow and promote and maintain a high level of morale. Morale has been jeopardized due to the fact that Sergeant West's actions are well known to several of his subordinates and he has brought discredit upon himself.

Recommendation: I recommend this matter be forwarded for Personnel Review. Questioning in this matter could reveal violations of Department Policy.



ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO



TO: Lt. M. Ramirez
FROM: Sgt. [REDACTED]
DATE: September 2, 2015
RE: UOF 15-155580

On August 22, 2015 I had a conversation with Deputy [REDACTED] reference a Use of Force she was involved in that occurred on July 23, 2015 (DR# 15-155580). The Sergeant for the Use of Force was Sergeant R. West #5734.

Deputy [REDACTED] stated she was involved in a Use of Force (UOF) on Thursday July 23, 2015 in the Female Uncuff area of the IRC (DR 15-155580). On Friday, July 24, 2015 Deputy [REDACTED] offered to write her Follow-Up report due to the fact that she was starting vacation on the 25th, but was told by Sergeant West not to worry about it. During Deputy [REDACTED] first week of vacation she began a text conversation with Deputy [REDACTED]. Deputy [REDACTED] stated Sergeant West was stressing that now the UOF would be delinquent due to scheduling.

On Saturday 08-08-15, Deputy [REDACTED] receives an email from Sergeant West. It is addressed to Deputy [REDACTED] and Deputy [REDACTED]. There are reports attached to the email, including Deputy [REDACTED] Crime and UOF report. Also attached is a UOF Follow-Up with Deputy [REDACTED] name on it. Deputy [REDACTED] sends a response to Sergeant West stating she did not know where he got that report but she did not write it. Sergeant West responds stating he meant to send an explanation and that he wrote the report based on Deputy [REDACTED] report and the video. He went on further and asked Deputy [REDACTED] to review the report and let him know if any changes needed to be made.

Deputy [REDACTED] did not respond right away. She eventually texted Deputy [REDACTED] to see if she had a copy of the video. Deputy [REDACTED] sent a copy on Monday 08-10-15. Deputy [REDACTED] reviewed the video and the report written by Sergeant West. She then replied to Sergeant West's email and advised him on some changes. Sergeant West responded with an amended report and asked Deputy [REDACTED] to review the amended report. Based on the facts of the report, she responded back to Sergeant West with her approval.

Deputy [REDACTED] returned to work on Wednesday 08-12-15 and began to express her concerns about the report with her partners. Through conversations with her partners, she found out that Sergeant West had told them he was going to write the report.

Deputy [REDACTED] stated she felt uncomfortable with this situation and had never seen this done before. She went along with it because she did not want to "Rock the boat" with her supervisor. I asked Deputy [REDACTED] if she felt comfortable working with Sgt. West or if she had lost confidence in him as a Supervisor. She was reluctant to answer the question, stating the fact that she still has to work with him and fears the possibility of some type of retribution. She went on to say she feels he just made a bad judgment call in this instance. At no time did Sgt. West tell Deputy [REDACTED] not to tell anyone about this incident. She did speak to him on or around September 26, 2015 in the Operations Sergeant's office at the IRC. Sgt. West asked if she was o.k. with everything and he told her he wasn't trying to be "Shady." She explained that she was very uncomfortable with the position he put her in. Sgt. West told her she didn't have to worry, stating, "It's not going anywhere." Deputy [REDACTED] repeated that she was still uncomfortable. Sgt. West went on to say that he had spoken to the Lieutenant about the possibility that the reports might be late. The Lieutenant asked why she didn't write her report before leaving for vacation and to think about writing her up for it. Sgt. West never mentioned which Lieutenant he was alluding to, but, Deputy [REDACTED] assumed it was Lieutenant [REDACTED] since he was on duty at the time of the Use of Force. Sgt.

West told her his solution was to write her report to avoid having to write her up. When Sgt. West mention the possibility of her being written up, she became angry and stated repeatedly that he told her not to worry about writing it at that time. Deputy [REDACTED] told me once she got angry, Sgt. West backed off of the subject. Their conversation ended soon after.

Deputy [REDACTED] provided me with two copies of the report written by Sgt. West and along with their email thread. The first copy is the one Sgt. West sent her through an email, asking her to read and provide him with any changes. The second copy is the final draft. Deputy [REDACTED] confirmed that she did not write either one of these reports, she just proof read and provided changes.

EMPLOYEE EMAILS

Re: 15-155580 reports

West, Ronald R

Sent: Tuesday, August 11, 2015 10:19 AM

To: [REDACTED]

Perfect. Thank you!!! Again, I'm sorry to bother you on your Vacation.

I'll see you in a couple weeks.

Ron

Sent from my Verizon Wireless 4G LTE DROID

On Aug 11, 2015 9:26 AM, [REDACTED] wrote:

It looks fine.

Thanks sir,

[REDACTED]
Sent from my iPhone

On Aug 10, 2015, at 8:11 PM, West, Ronald R <RWEST@ocsd.org> wrote:

OK.

Please take a look at this and let me know if you approve it. If so, I will sign it off and turn it in.

Ron

From: [REDACTED]
Sent: Monday, August 10, 2015 1:33 PM
To: West, Ronald R
Subject: Re: 15-155580 reports

Hi sir,

Sorry I was unable to get back to you sooner. The first and third paragraphs are fine. In

Reply
↑

the second paragraph I started holding only right but ended up holding both wrists because she was moving her arms as [REDACTED] was removing hair tie. the handcuffs were still on throughout the entire incident so I didn't tell her to keep her hands behind her back, but I told her to stand still and stop moving around.

Think that's it.

Thanks,

[REDACTED]

Sent from my iPhone

On Aug 8, 2015, at 11:26 AM, West, Ronald R <RWEST@ocsd.org> wrote:

Hey,

Sorry I didn't explain. I meant to send you another email but I got a little busy and I forgot.

2nd email

I wrote that report but have not turned it in. I sent you a copy so you could see it and tell me if you agree with it. If you approve it, I will submit it along with [REDACTED] If there's anything you want changed, let me know and I'll handle it.

I'm going on vacation for two weeks and won't see you before the deadline of that incident. Lt. [REDACTED] is going on vacation for a month and still has to approve my UOF review.

Since yours is just a follow up and there was no injuries to anyone, I reviewed the video along with [REDACTED] report to write the one I sent you. Please let me know asap if you approve and I'll get it all turned in before the deadline.

Again, sorry I forgot to explain. I hope to hear back from you soon.

Ron.

Sent from my Verizon Wireless 4G LTE DROID

On Aug 8, 2015 10:15 AM, [REDACTED] wrote:

Sir,

I did not write the report that has my name on it. Not sure where that report came from, but that report is not mine. I did not have video to review to write my report before going on vacation. I mentioned that to you our last day we worked together and it was my understanding from that conversation that I could write the report when I returned from vacation. I will turn in my report to you next week when I am back.

Thanks,

Deputy [REDACTED]

Sent from my iPhone

On Aug 8, 2015, at 1:21 AM, West, Ronald R <RWEST@ocsd.org> wrote:

Deputies,

I have attached the reports for the [REDACTED] UOF. Let me know if you have any questions.

Sergeant Ron West #5734

Intake Release Center

Cell # [REDACTED]

reply

1st email

<Deputies reports 15-155580.pdf>

<15155580 Follow-up CPC 241(c) 243(b) - Assault and Battery on Officer.docx>

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

TO: SERGEANT RONALD R. WEST

DATE: 1/28/2016

FROM: Captain Wayne Byerley, Professional Standards

INTRA-DEPARTMENT MEMO

RE: PI15-135A

Sustained: 11/13/2015

Reviewed by Captain D'Auria

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

WB/ch

Case #	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBCR DEADLINE
15-135		8/22/2016

PERSONNEL INVESTIGATION TRACKING CHECKLIST

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

Distributed by PSD to Custody Operations/IRC 11/13/2015
 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: BY: CAPTAIN P. D'AURIA 11/13/15
 LIEUTENANT OR MANAGER DATE

Consultation with OIR: STEVE CONNOLLY 11-12-15
 NAME DATE

DIVISION REVIEW

Division Review by: P. J. [Signature] 11/13/15
 DIVISION COMMANDER DATE

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

Recommended discipline exceeds Division Authority; Referred to: CHIEF T. BLANCO
 COMMAND

EXECUTIVE COMMAND REVIEW (if applicable)

Executive Command Review by: _____ Date: _____

PROCESSING

Returned to PSD for processing: _____
 Date

Employee Notification: _____
 Date

Notes



Case Report by Principal - RONALD R. WEST

Print Date: 9/24/2015

<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]



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

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

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

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

Employee Signature

10-14-15

Date

Sergeant Edward Manhart

10-14-15

Date

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

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



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

CONFIDENTIALITY DIRECTIVE

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

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

OCS Policy 1018.4 Insubordination

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

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



Employee Signature

10-14-15
Date



Sergeant Edward Manhart

10-14-15
Date



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

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 *(Jus)*

LYBARGER WARNING

Sergeant R. West, 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 *(Jus)*

[Signature]

Employee Signature

10-14-15

Date

[Signature]

Sergeant Edward Manhart

10-14-15

Date

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

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



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

CONFIDENTIALITY DIRECTIVE

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

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

OCSO 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.

[REDACTED]

Employee Signature

10-6-15/0920h
Date

Ed Manhart

Sergeant Edward Manhart

10-6-15
Date



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

CONFIDENTIALITY DIRECTIVE

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

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

OCSD Policy 1018.4 Insubordination

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

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

[REDACTED]

10-01-15
Date

Sergeant Edward Manhart

10-1-15
Date



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

CONFIDENTIALITY DIRECTIVE

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

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

OCSD Policy 1018.4 Insubordination

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

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

[REDACTED SIGNATURE]

10-1-15

Date

E. MANHART

Sergeant Edward Manhart

10-1-15

Date



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

P.I. #15-135

CONFIDENTIALITY DIRECTIVE

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

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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.

[REDACTED]

10-01-15

Date

Ed Manhart

Sergeant Edward Manhart

10-1-15

Date

