

**Internal Investigation  
Administrative Worksheet  
PI# 17-015**

**Principal(s):** Deputy Manuel Garcia

**Complainant(s):** Administration

**Facility/Location:** Court Operations / Captain J. Rudy

**Disposition:**

*1. 1018.1 Standard of Conduct*

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

*2. 1018.3 Cooperation*

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

*3. OCSD Policy Manual Section 1018.8 – Conduct Toward Superior and Subordinate Officer and Associates*

**SUSTAINED**

*4. OCSD Policy Manual Section 1018.27 Untruthfulness*

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

*5. OCSD Policy Manual Section 1018.33 Incurring Liability*

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

*6. OCSD Policy Manual Section 1018.39 Use of Offensive Language*

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

*7. OCSD Policy Manual Section 1018.40 Offensive Conduct*

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

*8. OCSD Policy Manual Section 1018.55 (a) – Prohibited Acts or Omissions 39.*

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

Administrative Leave

Discipline:  Written Reprimand  Suspension (# of hours 80)

Demotion (to rank of \_\_\_\_\_)  Dismissal

Comments/Other: See memo. Prior P.I. 2016.  
Rec. 40 hrs suspension

Administrative Disposition by: Capt. Jim Rudy Date: 6-12-17

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**Administrative Appeal Hearing**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

In Attendance: \_\_\_\_\_

Comments: \_\_\_\_\_

Disposition: \_\_\_\_\_

Disposition by: \_\_\_\_\_ Date: \_\_\_\_\_



# ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER  
SANDRA HUTCHENS

## NOTICE OF SUSPENSION PI# 17-015

Manuel Garcia  
Court Operations  
909 N. Main

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") is suspending you without pay from your position of Deputy Sheriff II, for a period of eighty (80) working hours. The suspension will be served in its entirety over consecutive days and completed within one pay-period. Pursuant to Article X, 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 are suspended for violating the following section(s) of the Orange County Sheriff-Coroner Department Policy Manual:

### **OCSD POLICY 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.

### **OCSD POLICY 1018.3 COOPERATION**

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

### **OCSD POLICY 1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS**

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

### **OCSD POLICY 1018.33 INCURRING LIABILITY**

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

### **OCSD POLICY 1018.39 USE OF OFFENSIVE LANGUAGE**

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

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

**OCSD POLICY 1018.40 OFFENSIVE CONDUCT**

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

**OCSD POLICY 1018.55 PROHIBITED ACTS OR OMISSIONS**

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

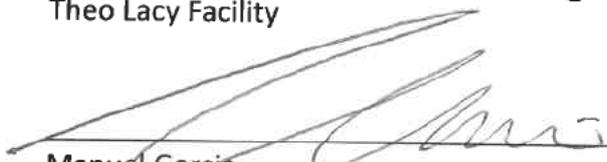
39. Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person of authority, in connection with any investigation or in the reporting of any department-related business.

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 X, Section 3C and Article XI, 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.

  
\_\_\_\_\_  
Jason Park *FOR CAPT. PARK*  
Theo Lacy Facility

*10-16-17*  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Manuel Garcia  
Deputy Sheriff I

*10-16-17*  
\_\_\_\_\_  
Date



# ORANGE COUNTY SHERIFF'S DEPARTMENT

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

**SHERIFF-CORONER  
SANDRA HUTCHENS**

## NOTICE OF PENDING SUSPENSION PI #17-015

Manual Garcia  
Court Operations  
909 N. Main  
Santa Ana, CA 92703

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") intends to suspend you without pay from your position of Deputy Sheriff I, for a period of eighty (80) working hours. 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:

### **1. 1018.1 STANDARD OF CONDUCT**

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

### **2. 1018.3 COOPERATION**

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

### **3. 1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES**

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

### **4. 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.

**5. 1018.39 USE OF OFFENSIVE LANGUAGE**

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

**6. 1018.40 OFFENSIVE CONDUCT**

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

**7. Section 1018.55 PROHIBITED ACTS OR OMISSIONS**

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

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 February 15, 2017, at the direction of Commander R. Peterson, Internal Affairs initiated a personnel investigation into your on-duty actions. It was alleged you called Judge [REDACTED] a "cunt" when you worked in her courtroom.

On February 2, 2017, Sgt. R. Taylor spoke to Deputy Manager [REDACTED]. [REDACTED] stated Deputy Lindquist had told courtroom staff members you were calling Judge [REDACTED] a "cunt" while using a hand gesture.

Sgt. Taylor spoke to Legal Processing Specialist [REDACTED] who stated Deputy Lindquist told her you were calling the judge a "cunt" while making a hand gesture. Sgt. Taylor spoke to Court Clerk [REDACTED] who told him she heard you say "cunt" while the court room was in session. [REDACTED] also stated you acted as if you were clearing your throat while using the profanity in an effort to disguise your misconduct. Sgt. Taylor spoke to Deputy Lindquist who told him you used the word "cunt" several times while referring to Judge [REDACTED]. Deputy Lindquist demonstrated the hand gesture you made while using the profanity towards the judge. Deputy Lindquist demonstrated the hand gesture by raising her hand palm up and sticking her middle finger up.

On March 6, 2017, as part of this investigation, Deputy Lindquist was interviewed by Internal Affairs. The following is a summary of her Interview:

Deputy Lindquist stated, while she was working with you in Judge [REDACTED] court room, you called the judge a "cunt" about four or five times with court clerks present. You also used a hand gesture while calling the judge a "cunt." Deputy Lindquist also articulated you held your hand out with your palm up and raised your middle finger when you used the profanity towards the judge. Deputy Lindquist believed the hand gesture was either sexual in nature or you were "flipping off" the judge.

On March 6, 2017, as part of this investigation, you were interviewed by Internal Affairs. The following is a summary of your Interview:

You admitted while you were working in Judge [REDACTED] courtroom, you called Judge [REDACTED] a "cunt" while Deputy Amy Lindquist and other courtroom staff were present. You claimed you could not remember which courtroom staff were present when you made these unprofessional and offensive comments. You denied making a hand gesture in the manner Deputy Lindquist described in her interview. You instead stated you raised your pointer finger while calling Judge [REDACTED] a "cunt." You did not remember, but it was possible you cleared your throat while you said "cunt" in an effort to disguise what you were saying. When asked why you were calling Judge [REDACTED] a cunt, you stated, "Because sometimes dumbass isn't appropriate." You explained the reason for your offensive conduct was due to your disagreement with how Judge [REDACTED] was managing the courtroom.

As a member of the Orange County Sheriff's Department, you have an unyielding responsibility to continually conduct yourself professionally and not bring public embarrassment or liability upon yourself, your department, or its members. After consideration of all available information, the department believes you violated the above-listed OCSD Policy sections.

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

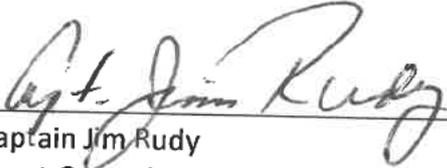
1. Initial Action
2. Internal Affairs Investigation Summary
3. Memo from Captain J. Rudy
4. Memo from Lt. M. Wagner
5. Memo from Sgt. R. Taylor
6. CD of Internal Affairs Interview

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 Kea 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 Dawn Haag 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 for 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 you 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.

  
\_\_\_\_\_  
Captain Jim Rudy  
Court Operations

9-11-17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Manuel Garcia, Deputy Sheriff I

09-12-17  
\_\_\_\_\_  
Date



## PORANGE COUNTY SHERIFF'S DEPARTMENT

### PROFESSIONAL STANDARDS DIVISION NOTICE OF SUSPENSION

***Confidential***

To: Assistant Sheriff Bob Peterson  
Assistant Sheriff Steve Kea

From: Sergeant Dawn Haag

Date: October 18, 2017

P.I. File #: 17-015

Please be advised that Deputy Manuel Garcia [REDACTED] has been suspended from duty without pay for a total of eighty (80) working hours for disciplinary reasons. The suspension is scheduled to be served as follows:

1. Sun, October 29 thru Tues, October 31 1830-0700 (34.5 hrs)
2. Sat, November 4 1830-0630 (11 hrs)
3. Sun, November 5 thru Tues, November 7 1830-0700 (34.5 hrs)

cc: Commander Jon Briggs  
Commander Jeff Hallock  
Captain Jason Park  
Captain John Coppock  
Lieutenant Garrett DeGiorgio  
HR Manager II – Richard Sanchez  
Position Control – Juana Fierro  
Recruiting Manager – Vicki Pirooz  
HR Records Supervisor – Melissa Mendoza  
Sheriff's Payroll – Doris De La Cruz

ORANGE COUNTY SHERIFF'S DEPARTMENT  
INTERNAL MEMO



TO: Commander Jeff Hallock  
FROM: Captain Jim Rudy  
DATE: Monday, June 12, 2017  
RE: Personnel Investigation #17-015

I have reviewed the attached memos, the personnel investigative summary completed by Sgts. Alday and Jasper and audio recordings of the interviews of the involved staff.

Summary

On the last Wednesday or Thursday of January 2017, Deputy Amy Lindquist heard Deputy Manuel Garcia call Judge [REDACTED] a "cunt" about four or five times in an open courtroom in the presence of court staff.



Findings

Deputy Manuel Garcia

Garcia stated he did call Judge [REDACTED] a cunt but not to her face. He could not remember the number of times he called the judge a cunt but believed it was four or five times. (Page 10 of 14)



Garcia was asked if a hand gesture was used when he called the judge a "cunt". He initially didn't know but then stated he uses the hand gesture but with his pointer finger. **(Page 10-14)**

Garcia was asked if Court staff was in the court room when he made the offensive comments about the judge. He stated, "yes", but he did not know which clerks were in the courtroom when he made the statements. **(Page 11 of 14)**

Deputy M. Garcia admitted his conduct was unprofessional. **(Page 12 of 14)**

**Recommendations**

Based on the reports and statements made by Deputy Garcia, I recommend the following;

OCSD Policy and Procedure – Section 1018.1 – Standard of Conduct – **Sustained**

OCSD Policy and Procedure – Section 1018.3 – Cooperation –**Sustained**

OCSD Policy and Procedure – Section 1010.8 – Conduct toward Superior and Subordinate Officer and Associates – **Sustained**

OCSD Policy and Procedure – Section 1018.27- Untruthfulness – **Not Sustained**

OCSD Policy and Procedure – Section 1018.33 – Incurring Liability – **Sustained**

OCSD Policy and Procedure – Section 1018.39 – Use of Offensive Language – **Sustained**

OCSD Policy and Procedure – Section 1018.40 – Offensive Conduct – **Sustained**

OCSD Policy and Procedure – Section 1018.55 –Prohibited Acts or Omissions 39- **Sustained**

**80 hour suspension**



**Internal Investigation  
Administrative Worksheet  
PI# 17-015**

**Principal(s):** Deputy Manuel Garcia

**Complainant(s):** Administration

**Facility/Location:** Court Operations / Captain J. Rudy

**Disposition:**

*1. 1018.1 Standard of Conduct*

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

*2. 1018.3 Cooperation*

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

*3. OCSD Policy Manual Section 1018.8 – Conduct Toward Superior and Subordinate Officer and Associates*

*4. OCSD Policy Manual Section 1018.27 Untruthfulness*

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

*5. OCSD Policy Manual Section 1018.33 Incurring Liability*

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

*6. OCSD Policy Manual Section 1018.39 Use of Offensive Language*

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

*7. OCSD Policy Manual Section 1018.40 Offensive Conduct*

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

*8. OCSD Policy Manual Section 1018.55 (a) – Prohibited Acts or Omissions 39.*

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:** \_\_\_\_\_

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**Administrative Appeal Hearing**

*Date:* \_\_\_\_\_ *Time:* \_\_\_\_\_

*In Attendance:* \_\_\_\_\_

*Comments:* \_\_\_\_\_

*Disposition:* \_\_\_\_\_

*Disposition by:* \_\_\_\_\_ *Date:* \_\_\_\_\_

## **Investigative Summary**

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



**TO:** Lieutenant J. Danks *JD*  
**FROM:** Sergeant B. Jasper  
**DATE:** April 3, 2017  
**RE:** Personnel Investigation 17-015

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**Complainant:** Administration  
**Employee(s):** Deputy Sheriff Manuel Garcia  
**Incident Location:** 909 N. Main, Santa Ana, CA 92703  
**Incident Date:** Unknown date in January of 2017  
**Allegation(s):** Orange County Sheriff's Department Policy Manual

**1. 1018.1 STANDARD OF CONDUCT**

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

**2. 1018.3 COOPERATION**

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

**3. 1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES**

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

**4. Section 1018.27 UNTRUTHFULNESS**

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

**5. 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.



**6. 1018.39 USE OF OFFENSIVE LANGUAGE**

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

**7. 1018.40 OFFENSIVE CONDUCT**

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

**8. Section 1018.55 PROHIBITED ACTS OR OMISSIONS**

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

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.



**Initial Action**

On February 15, 2017, at the direction of Commander R. Peterson, Internal Affairs initiated a personnel investigation into the on-duty actions of Deputy Manuel Garcia. It is alleged Deputy Garcia called Judge [REDACTED] a "cunt" when he worked in her courtroom.



Memo from Sgt. Taylor to Lieutenant Wagner

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

**TO:** Lt. M. Wagner  
**FROM:** Sgt. R. Taylor  
**DATE:** 4 February 2017  
**RE:** Reported Unprofessional Conduct of Employee

*rec'd - for  
Capt. D. [unclear]  
2-6-17*



On Thursday 2-2-17, I responded to courtroom CCB1 reference a report of unprofessional conduct by Deputy M. Garcia #5689. I arrived and spoke to Deputy Manager [redacted] [redacted] told me that court staff members had told her that they overheard Deputy A. Lindquist #5274 say that Deputy M. Garcia called Judge [redacted] a "Cunt" and that he made a rude hand gesture when he said it.

I spoke to Legal Processing Specialist [redacted] [redacted] told me that last week Deputy Lindquist told her that Deputy Garcia called Judge [redacted] a "Cunt" and showed her a hand gesture that Deputy Garcia made when he said it. [redacted] did not want to make the hand gesture, but described it to me. She said Deputy Lindquist turned her hand palm up and stuck her middle finger up. [redacted] does not know what this gesture means. [redacted] did not think this was right so she told her supervisor [redacted]

I spoke to Court Clerk [redacted] [redacted] told me she heard Deputy Garcia say the word "Cunt" about two weeks ago while court was in session. [redacted] said he would act like he was clearing his throat to disguise what he was saying. [redacted] did not know who he was referring to at the time. On Monday 1-30-17, she was talking to Deputy Lindquist and Lindquist made it clear that Deputy Garcia was referring to Judge [redacted] [redacted] said she only heard about the hand gesture.

Deputy Lindquist told me that Deputy Garcia had used the word "Cunt" several times toward Judge [redacted] and that two weeks ago she told Deputy Garcia that it offended her and that she wanted him to stop. Deputy Lindquist also showed me a hand gesture that Garcia made when saying the word "Cunt", she raised her hand palm up and stuck her middle finger up. Deputy Lindquist did not know what the hand gesture meant. After telling Garcia to stop, he did.

I spoke to Judge [redacted] Judge [redacted] told me that she never heard Deputy Garcia make any derogatory comments to her personally, but was told by Deputy Manager [redacted] that he did. Judge [redacted] said she knew Deputy Garcia was not happy at his present assignment and didn't want to make a big deal out of the incident. I told her that this type of conduct is unprofessional, disrespectful and will not be tolerated by Sheriff's Department personnel.

Deputy Garcia is currently on vacation and as such I did not speak with him about this incident.



**Memo from Lieutenant Mike Wagner to Captain Jim Rudy**

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



**TO:** Captain Rudy  
**FROM:** Lieutenant Mike Wagner  
**DATE:** February 6, 2017  
**RE:** Hostile work environment

Captain Rudy,

I received an Internal Memo from Central Justice Center Sergeant Randy Taylor reporting unprofessional Conduct by one of the CJC Deputies, Deputy Manuel Garcia. Deputy Garcia is assigned to the Collaborative Court located at 909 N. Main in Santa Ana. While working as a bailiff he allegedly referred to Judge [REDACTED] as a "cunt" on several occasions. These statements were overheard by several of the court staff and was relayed to Judge [REDACTED]

Deputy Garcia is currently on vacation for the month of February, upon his return he will immediately begin serving a 40 hour disciplinary suspension for a separate incident.

I recommend this incident be forwarded to Professional Standards for further investigation of the following Department Policy Violations:

**Possible Policy Violations**

328- Policy against Unlawful Harassment and Discrimination

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.

1018.3 COOPERATION

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

1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES

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



1018.33 INCURRING LIABILITY

- j. 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.

1018.39 USE OF OFFENSIVE LANGUAGE

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

1018.40 OFFENSIVE CONDUCT

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

**Memo from Captain Jim Rudy to Commander Bob Peterson**

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



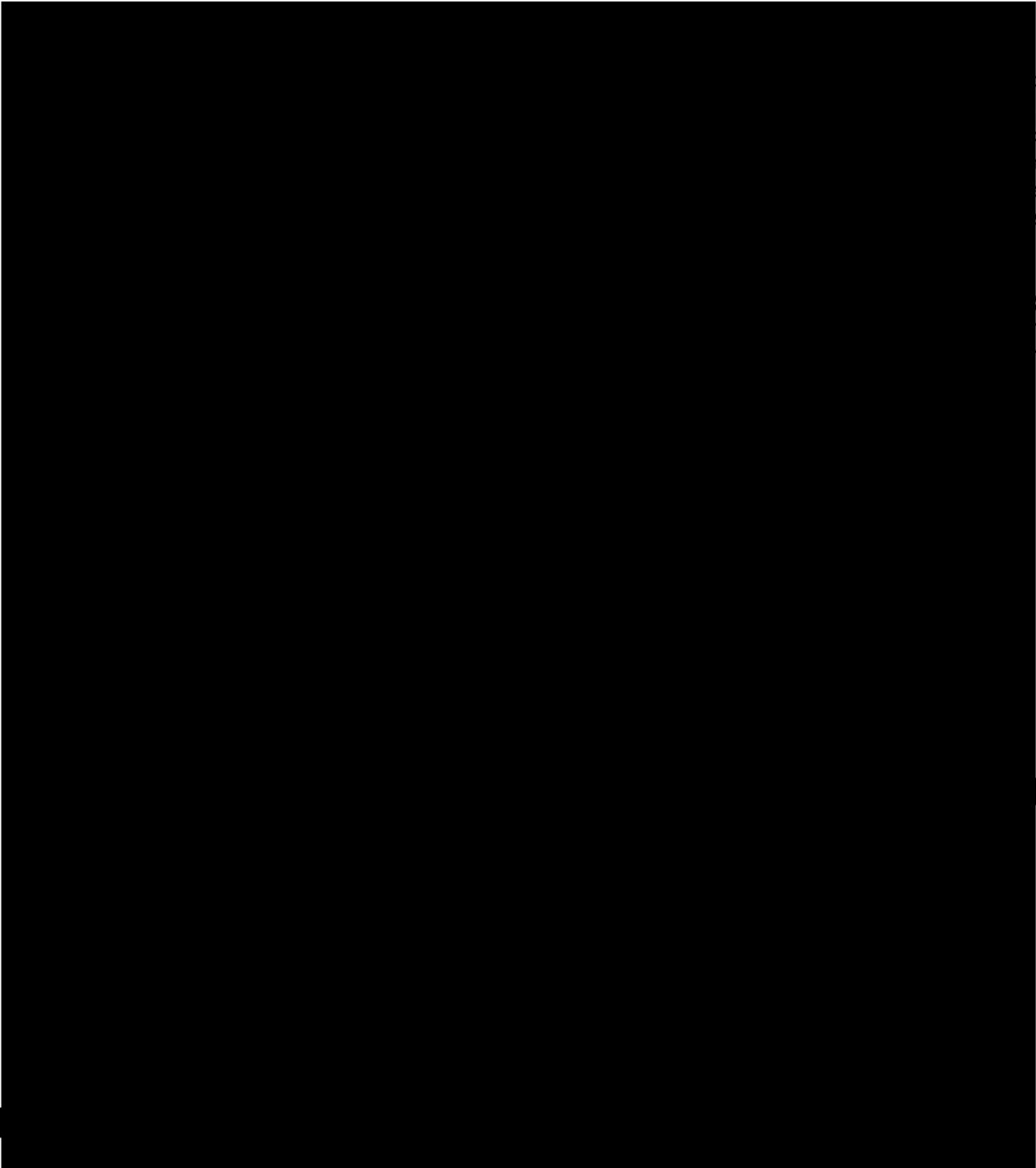
**TO:** Commander Bob Peterson  
**FROM:** Captain Jim Rudy  
**DATE:** Monday, Feb. 6, 2017  
**RE:** Complaint of Unprofessional Conduct – Deputy Manuel Garcia

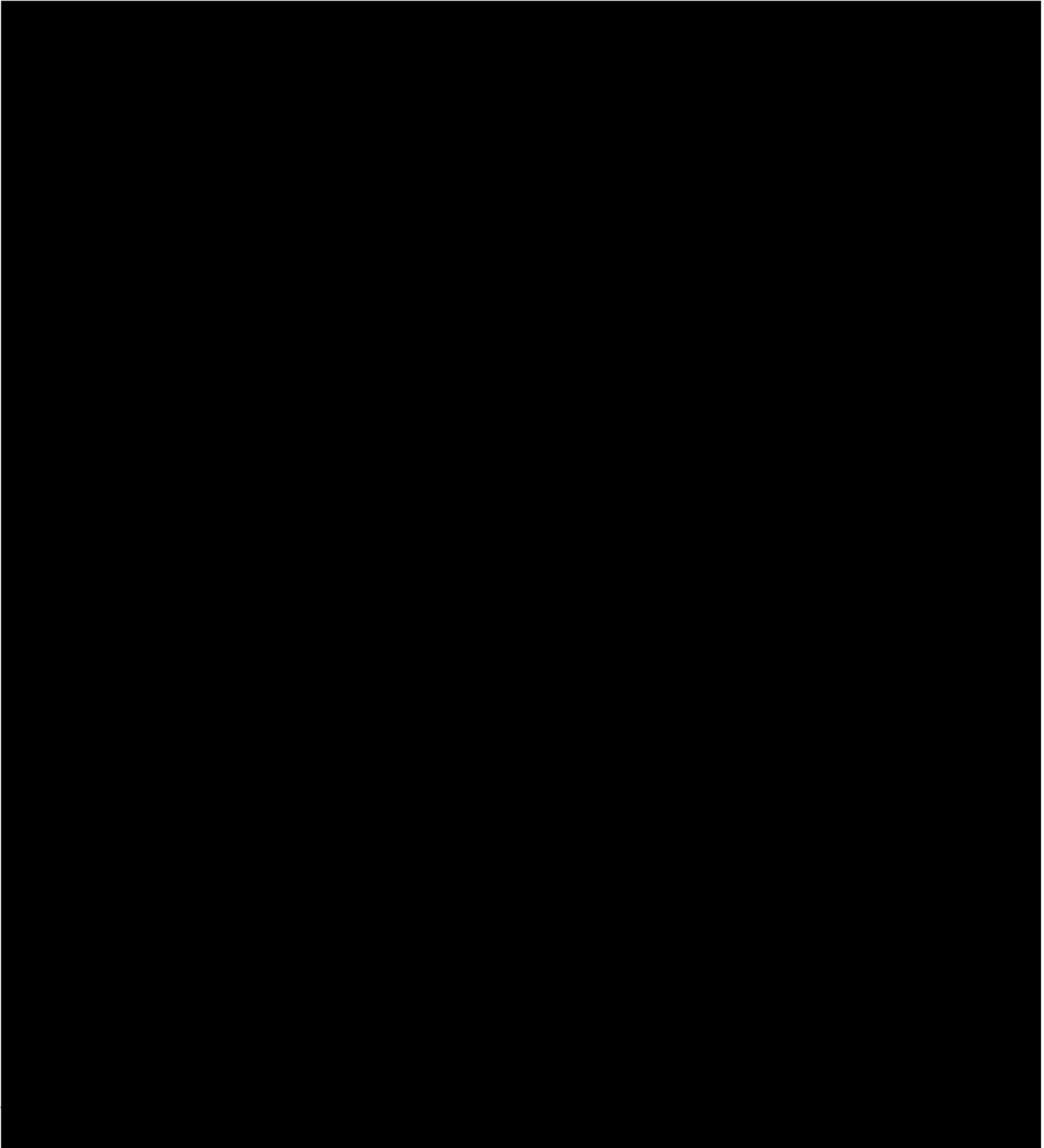
On Wednesday, Feb. 1, 2017 I met with Judge [REDACTED] to discuss security measures at the Community Courts Building #1. During our conversation, Judge [REDACTED] told me, her courtroom staff had reported that they overheard Deputy Manuel Garcia call her a "Cunt". Judge [REDACTED] was not present when Deputy Garcia made the offensive remark. Court Staff also mentioned to Judge [REDACTED] Deputy Garcia has used the term more than once when he was referring to her.

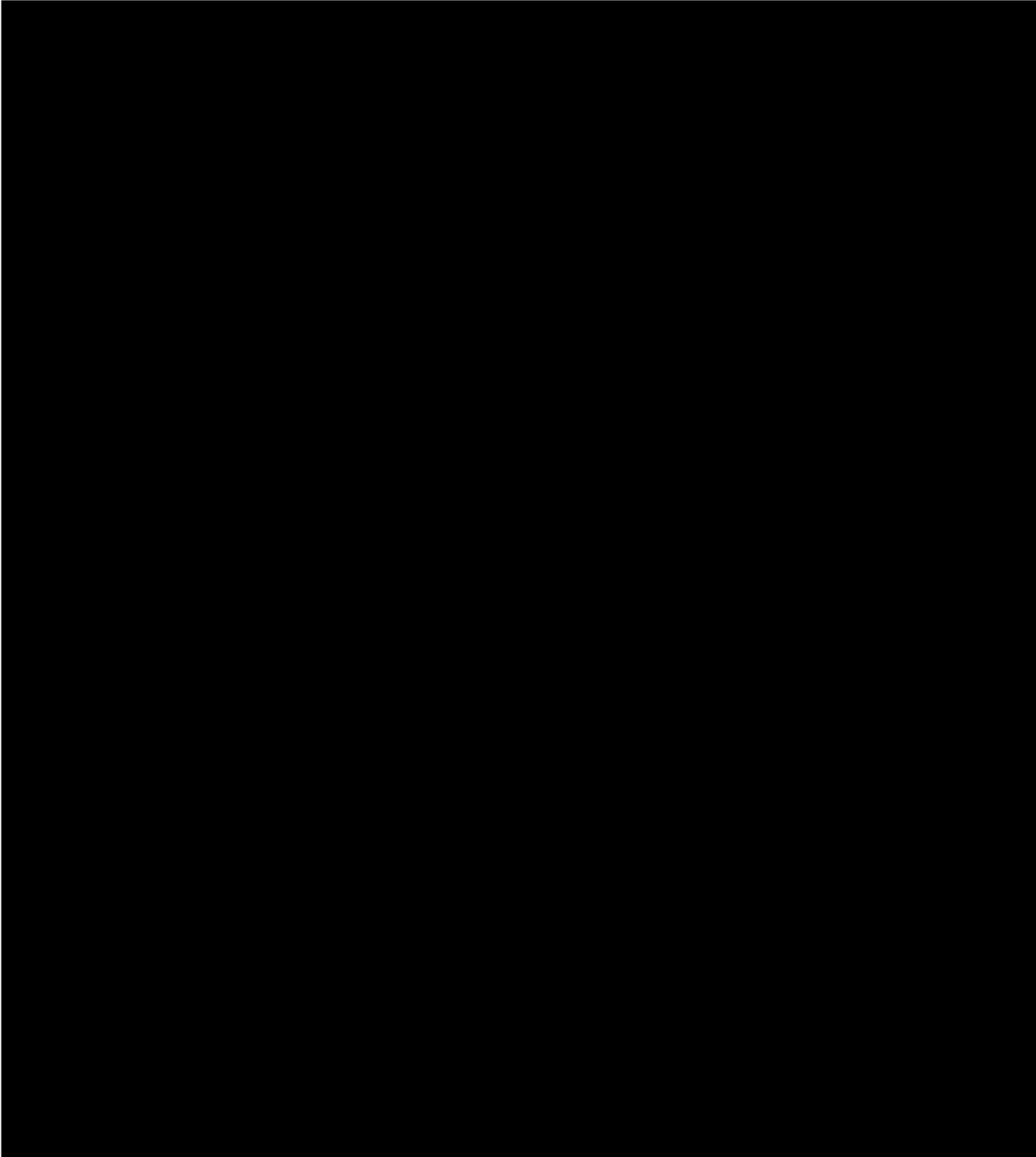
I told Judge [REDACTED] we will be initiating a personnel investigation and a Sergeant will be assigned to conduct the preliminary investigation. On Thursday, Feb. 2, 2017, Sgt. Randy Taylor met with the Court staff and Deputy Amy Lindquist regarding the allegations.

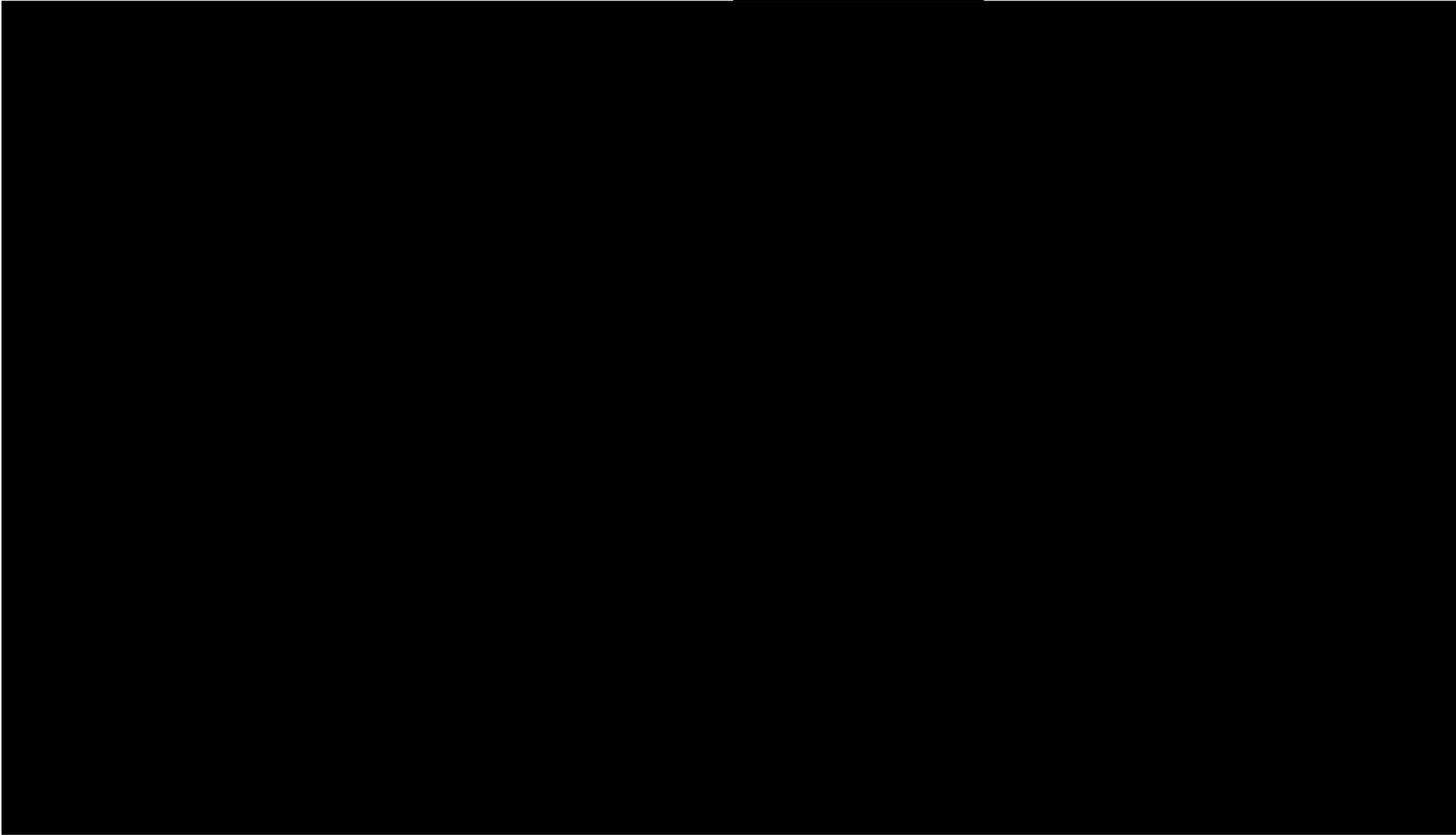
I have reviewed the attached memos submitted by Lt. Mike Wagner and Sgt. Randy Taylor. I am recommending this matter be forwarded to Sheriff's Internal Affairs for further investigation.











**Summary of the Interview with Deputy Manuel Garcia**

On Monday, March 6, 2017, at approximately 1457 hours, Sergeant Cruz Alday and I conducted an audio-taped interview with Manuel Garcia. AOCDS Representative David Goldwasser was also present during the interview. This interview was conducted at the Professional Standards Division in a fourth floor conference room located at 320 N. Flower in the city of Santa Ana. The following is a synopsis of the conversation. It is not verbatim, nor necessarily in order of conversation, and is organized for the purposes of clarity. This report is not meant to take the place of the actual recording. It is just a synopsis. For complete details refer to the recording of the interview.

Garcia read and signed the Confidentiality Directive and understood that everything we talked about during this interview was confidential and he was ordered not to discuss this interview outside of Internal Affairs or with anyone other than his representative. He read and signed the Advisement of his Public Safety Officer Procedural Bill of Rights and he understood his rights. I advised Garcia of his Miranda Rights and he said he understood his rights and would not waive his Miranda rights for this interview. I advised him of the Lybarger Warning and he understood he was compelled to answer my questions.

Garcia has been employed with the Sheriff's Department since January of 2000. Garcia is a Deputy I and currently assigned to the Central Justice Center. Garcia was assigned to Judge [REDACTED] courtroom in January of 2017.



I asked Garcia, "While working as deputy sheriff, have you ever called Judge [REDACTED] a cunt?" Garcia answered, "Yes. To her face, no." I asked where he was when he called the judge a "cunt" and he stated, "In the courtroom. Not in open court and not out loud. If anything it was just under my breath." I asked who was present when he used the term regarding the judge and he stated [REDACTED] and another unknown court clerk were in the courtroom. Garcia stated, "I don't remember any specific incidents. I just, it could have happened. It very well could have happened, but as far as me writing down a date that I said it." I told Garcia, "That wasn't my question. You have referred to her as a cunt. Correct?" Garcia answered, "Yes." I asked, "In a conversation, correct?" Garcia replied, "No." I asked, "You didn't tell Amy Lindquist she was a cunt? That Judge [REDACTED] was a cunt?" Garcia answered, "I might have. I, I mean, I don't know if it was in a conversation or just under my breath."

In an attempt to clarify Garcia's answer, I asked him if he had called the judge a cunt while Amy Lindquist was present and he stated he had. I specifically asked, "But you have called Judge [REDACTED] a cunt to Amy Lindquist?" Garcia responded, "Yes." I asked, "While there were court clerks also in the courtroom?" Garcia answered, "Yes." Garcia told me he did not know how many times he called the judge a cunt. I asked if he called her a cunt more than one time and he responded, "Yeah." I asked if he called her a cunt more than five times and he stated, "I don't know." Garcia did not know if he called the judge a cunt more than five times. I asked Garcia if Amy Lindquist would be telling the truth if she stated he called the judge a cunt four or five times. Garcia stated, "More than likely. Yeah."

I asked, "Did you use a hand gesture when you called her a cunt?" Garcia replied, "I don't know. I don't know every single time. Like I said, I don't remember any specific incidents." I asked, "But you do have an independent recollection of using the word. Correct?" He answered, "Yes." I asked, "So you do have a specific memory of saying the word. Correct?" Garcia replied, "Not a specific date or time." I explained I did not ask for a specific date or time and then he interrupted and stated, "I don't understand what you are asking." I asked, "Did you call Judge [REDACTED] a cunt? Dave Goldwasser replied, "That has been asked and answered several times." I explained Garcia was starting to change his answer when Goldwasser interrupted and stated, "No, there is not changing whatsoever. What he is telling you is that he has acknowledged that word left his mouth. That it possibly left his mouth in Lindquist's presence. But he can't tell you what he was talking about or whether there was a hand gesture."

I asked Garcia, "Did you use a hand gesture when referring to her as a cunt?" Garcia stated, "I don't know if every single time." I asked, "Did you put your palm out, raise you middle finger and call Judge [REDACTED] a cunt? Yes or no?" Garcia replied, "It was my middle, it was my pointer finger." I asked, "So you do remember making a hand gesture?" Garcia answered, "Yeah, because I do that gesture." **[Investigative note: This contradicts what Garcia said seconds earlier when he stated he did not remember any specific incidents where he made a hand gesture.]** I asked Garcia to demonstrate the hand gesture for me. **[Investigative note: Garcia used his right hand, made a fist with his palm facing up and his pointer finger extended. Garcia then quickly waved his pointer finger back towards him. The hand gesture Garcia demonstrated was different than the hand gesture described by Lindquist. Lindquist specifically stated Garcia had raised his middle finger on four or five different occasions when calling the judge a cunt.]**



I asked how many times he made the hand gesture and he replied, "I don't know." I asked Garcia if he used the hand gesture more than one time and he answered, "Yeah." I asked if he made the hand gesture while referring to the judge as a cunt and he replied, "I don't know that either."

I asked Garcia if he cleared his throat while he said the word cunt in an effort to disguise what he was saying. Garcia answered, "I don't remember." I asked, "But it's possible it happened?" Garcia replied, "Anything is possible." I asked, "Anything is possible?" Garcia stated, "Isn't anything possible?" I told Garcia, "No, not anything is possible. I don't believe so." Garcia stated, "Then I don't recall ever clearing my throat and doing it." I clarified and asked, "So you have no memory of doing it?" Garcia replied, "Not specifically clearing my throat and attempting to disguise it. No, I do not remember that." I asked, "So, if one of the court clerks told me that was the case, would you say she is lying about that?" Garcia replied, "I don't know." I asked if he was stating the clerk was lying or that he was stating he could have possibly committed the act and not remembered. Garcia replied, "It possibly could have happened and I don't remember." I stated, "So it's possible you could have cleared your throat while saying the word cunt with court clerks present? Is that accurate?" Garcia stated, "Yeah, that's accurate." Garcia stated he did not know when the incidents occurred and did not know if they occurred in January of 2017.

I asked if [REDACTED] was present in the court room and Garcia replied, "The clerks changed." I asked, "Ok, do you specifically remember [REDACTED] being present when you used the word cunt referring to Judge [REDACTED]?" Garcia stated, "No, I don't specifically remember [REDACTED] being there." I asked, "Do you specifically remember [REDACTED] being there?" Garcia stated, "Like I said, the clerks change." I stated, "I know. I am asking you a specific question." Garcia interrupted me as I was speaking and stated, "No, I do not remember [REDACTED] being there and I don't remember [REDACTED] being there specifically. I remember clerks being there. Whether they were the ones that were present, I don't know." Garcia could not name any of the clerks who were present.

I asked, "Why are you calling Judge [REDACTED] a cunt?" Garcia answered, "Because sometimes dumbass isn't appropriate." I asked Garcia to explain further and Garcia stated, "I started there. I don't know when I started. I started there six months ago. When I got there, I received nothing but praise. They were more than happy to have me there because the two deputies previous to myself were on their phones. They weren't paying attention. Security was in question. When I got there I didn't spend time on my phone. I did my job like I was supposed to. I actually baked them cakes. Out of my own pocket, I bought glove holders, because they just had the glove boxes just lying around. I repositioned the phone so it wouldn't be falling off the desk the entire time. Umm, what else did I do. Oh, I bought, out of my pocket, I bought a bag sealer for the property because they were stapling the property and I didn't think that was very appropriate. So I went out and I bought one out of my own pocket and they were happy with me up until I started saying that. I started, I said that word. Then that was it. It all went downhill." I asked, "Until you started saying cunt?" Garcia responded, "Yeah." I asked, "Because you think maybe some people found it offensive?" Garcia answered, "Yeah, more than likely. Well that's why we're here." I asked, "Do you believe that is offensive conduct?" Garcia replied, "To some people, yes." I asked, "Do you think it is proper for a deputy sheriff in a courtroom to be using the word cunt?" Garcia stated, "No." I asked, "So you agree that is unprofessional?" Garcia answered, "Yes." I asked, "So you agree you violated professional conduct?" Garcia replied, "Yes."



I confirmed Garcia stated the term "dumbass" was not appropriate and then told him I was confused by his statement and requested he explain his comment further. Garcia explained, "I was more than happy. I actually wanted to work there. I told the judge you are fortunate to have me and Lindquist here because we want to be here. But, if you continue down the road that you are, which is keeping us through lunch, she if she finished at lunch that she was doing her job. But she didn't realize that we still had to wait for transportation. So not only were we working for lunch and, she, but we were also working after work. We are supposed to finish at four thirty, which gives us enough time to call transportation. She felt that if she finished at five o'clock she was doing her part. But now, after five o'clock, now we have to wait until six thirty for transportation. And we told her, I told her on numerous, numerous times. I told her. I said I don't understand the reason why you call all the in-custodies at the last minute. We did two shifts. They would ship bodies before lunch and bodies after lunch and for some reason she would take care of all the in-custodies like at eleven thirty in fifteen minutes. In fifteen minutes. And I was telling her.

On one occasion, I told her. I said she was making up all kinds of excuses why she couldn't do it. This and that, and I said that's great. I don't understand what you're talking about but my number one concern is the safety and the longer that these inmates are here, they're not caged up. They were bringing in four different classifications of inmates and we only had one cage that we separated in half and there is a bathroom in the back. So that means the females have to walk through the males to get to the bathroom. PCs and total seps are handcuffed outside with us to chairs. And I said the sooner that you see those people, the less likely that something is going to happen. I mean, it's just a matter of safety. It's just a matter of time where a total sep attacks a PC because all they have to do is pick up a chair. The chair is not bolted to the seat, to the floor. And I said, so that's my number one concern. All that other stuff you are talking about, that's great. I don't know what she was talking about. Funds and money and this. I said, that's great, but my number one concern is getting those inmates in and out as quickly as possible. And I said, I saw you do it in fifteen minutes. We were sitting there all day and you waited until the last fifteen minutes to do the in custodies when you could do them right off the bat. Ok, I'll try. I didn't know that was an issue.

Very next day, guess what. It was like Groundhog Day. Same thing. Waited until the last minute to do all the in-custodies. Ok. I'm done at noon. I'm done. That's great. Now we have to wait around another half hour for transportation. And I said, I told you. I said you do not want to make this into a rotational spot because you're gonna get people, deputies that don't care and don't want to be here. I am warning you. I'm telling you this is gonna happen. I said take care of the in-custodies and everyone will be happy. Transpo will be happy. We're happy. The inmates are in and out. Simple, but no. Time after time. Twelve o'clock, twelve thirty. And then now, now there is sometimes when we didn't even get a lunch because now it's so close to the, uh, PM bodies coming so why bother transpo to come pick when in a half hour later they're going to have to drop off bodies. So we would sit with the inmates through our lunch waiting for transpo to drop of the PM bodies so they can take the AM bodies. I know we didn't have to accommodate transpo. That's their job to transport inmates. But we're thinking, why waste their time in making two separate trips?



So there we are sitting in the bus bay with inmates. Because, and there were other times they didn't even let us. Like they would have, uh, orientations or, where they wouldn't allow inmates and we're the last to find out. So we get the inmates at nine o'clock or nine thirty and then one of the coordinators come and says, oh yeah, we can't have inmates in here because we are going to bring in some people from out of state or whatever and we will be discussing court operations. So there we are moving all the inmates. Regs, females, PCs, total seps out into a bus bay and handcuffing them to a stairwell because they would have a hour and a half meeting. And we would be the last to know. Somebody knew, they just wouldn't tell us. And then there was other times when we had a full bus, total seps, same thing, males, and females. I said we can't take anymore bodies unless transpo takes another trip. If you want to take new bodies that fine. Take them as soon as you get on the bend and we'll call transpo and they will be gone. It's simple."

I asked Garcia if he communicated his concerns to his supervisors. Garcia stated Captain Rudy, Lieutenant Wagner, Sgt. Hilton, Sgt. Taylor and he all discussed his security concerns to Judge [REDACTED]. They all told the judge she was jeopardizing the safety of the deputies by having so many different classifications of inmates handcuffed to chairs. After Garcia transferred from Judge [REDACTED] courtroom, they no longer allow more than one classification of inmate into the courtroom at a time.

I asked Garcia if he thought there was a better way to handle the situation other than using profanity or disparaging remarks. Garcia stated, "If I did it was probably in disbelief." I questioned Garcia as to why he used the word "if" and then asked if there was a question as to whether he made the remarks. Garcia stated he did make the inappropriate remarks. Goldwasser stated, "Brent, you're trying to pin him to specific dates and times." I told Goldwasser I was not requesting specific dates and times and Goldwasser responded, "Well, some of your questions were framed as if he had a specific recollection and specific people being present and a specific hand gesture being used. He's telling you that, yeah, it probably likely happened." I told Goldwasser, "Again Dave, I am going to have to disagree. You are saying yeah, it probably happened is different than yes, it did happen." Goldwasser told me Garcia had to speak for himself and I told Goldwasser, "Right."

I asked Garcia, "Yes, you did call her a cunt?" Garcia responded, "Yes, I did." I replied, "Thank you. So it's not an if. It's, you did." Garcia responded, "But it was never to her face." I told Garcia, "I understand, but there were other people present along with Amy Lindquist. That is correct?" Garcia answered, "Yeah, there are always other people present."

I told Garcia I understood he was frustrated and again asked him if he thought there was a better way he could have handled the situation. He answered, "I don't know what else I could have done. The captain was involved. The lieutenants were involved. The sergeants were involved. I told them I wanted to be moved. As soon as it started getting really, really bad, I told them I wanted moved. I wanted to be moved. I wasn't enjoying being out there anymore."

Garcia knew how to find the department's policies and knew he was required to stay current with the policies.



**Included for Review**

- Initial Action
- Internal Affairs Investigation Summary
- Initiating Memos
- CD of Internal Affairs Interview



**Initial Action**

**Complainant: Administration**

**Case Name: 17-015**

**Date of Complaint: February 7, 2017**

**Division / Division Commander: Court Operations/Captain Rudy**

**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**

2/15/17  
\_\_\_\_\_  
**Date**

**Memos**

ORANGE COUNTY SHERIFF'S DEPARTMENT  
INTERNAL MEMO



**TO:** Lt. M. Wagner  
**FROM:** Sgt. R. Taylor  
**DATE:** 4 February 2017  
**RE:** Reported Unprofessional Conduct of Employee

On Thursday 2-2-17, I responded to courtroom CCB1 reference a report of unprofessional conduct by Deputy M. Garcia #5689. I arrived and spoke to Deputy Manager [REDACTED] [REDACTED] told me that court staff members had told her that they overheard Deputy A. Lindquist #5274 say that Deputy M. Garcia called Judge [REDACTED] a "Cunt" and that he made a rude hand gesture when he said it.

I spoke to Legal Processing Specialist [REDACTED] [REDACTED] told me that last week Deputy Lindquist told her that Deputy Garcia called Judge [REDACTED] a "Cunt" and showed her a hand gesture that Deputy Garcia made when he said it. [REDACTED] did not want to make the hand gesture, but described it to me. She said Deputy Lindquist turned her hand palm up and stuck her middle finger up. [REDACTED] does not know what this gesture means. [REDACTED] did not think this was right so she told her supervisor [REDACTED]

I spoke to Court Clerk [REDACTED] [REDACTED] told me she heard Deputy Garcia say the word "Cunt" about two weeks ago while court was in session. [REDACTED] said he would act like he was clearing his throat to disguise what he was saying. [REDACTED] did not know who he was referring to at the time. On Monday 1-30-17, she was talking to Deputy Lindquist and Lindquist made it clear that Deputy Garcia was referring to Judge [REDACTED] [REDACTED] said she only heard about the hand gesture.

Deputy Lindquist told me that Deputy Garcia had used the word "Cunt" several times toward Judge [REDACTED] and that two weeks ago she told Deputy Garcia that it offended her and that she wanted him to stop. Deputy Lindquist also showed me a hand gesture that Garcia made when saying the word "Cunt", she raised her hand palm up and stuck her middle finger up. Deputy Lindquist did not know what the hand gesture meant. After telling Garcia to stop, he did.

I spoke to Judge [REDACTED]. Judge [REDACTED] told me that she never heard Deputy Garcia make any derogatory comments to her personally, but was told by Deputy Manager [REDACTED] that he did. Judge [REDACTED] said she knew Deputy Garcia was not happy at his present assignment and didn't want to make a big deal out of the incident. I told her that this type of conduct is unprofessional, disrespectful and will not be tolerated by Sheriff's Department personnel.

Deputy Garcia is currently on vacation and as such I did not speak with him about this incident.



ORANGE COUNTY SHERIFF'S DEPARTMENT  
INTERNAL MEMO



**TO:** Commander Bob Peterson  
**FROM:** Captain Jim Rudy  
**DATE:** Monday, Feb. 6, 2017  
**RE:** Complaint of Unprofessional Conduct – Deputy Manuel Garcia

On Wednesday, Feb. 1, 2017 I met with Judge [REDACTED] to discuss security measures at the Community Courts Building #1. During our conversation, Judge [REDACTED] told me, her courtroom staff had reported that they overheard Deputy Manuel Garcia call her a "Cunt". Judge [REDACTED] was not present when Deputy Garcia made the offensive remark. Court Staff also mentioned to Judge [REDACTED] Deputy Garcia has used the term more than once when he was referring to her.

I told Judge [REDACTED] we will be initiating a personnel investigation and a Sergeant will be assigned to conduct the preliminary investigation. On Thursday, Feb. 2, 2017, Sgt. Randy Taylor met with the Court staff and Deputy Amy Lindquist regarding the allegations.

I have reviewed the attached memos submitted by Lt. Mike Wagner and Sgt. Randy Taylor. I am recommending this matter be forwarded to Sheriff's Internal Affairs for further investigation.

*Concur*  
*[Signature]*  
2/6/17



ORANGE COUNTY SHERIFF'S DEPARTMENT  
INTERNAL MEMO

Rec. for Rudy 2-6-17  


**TO:** Captain Rudy  
**FROM:** Lieutenant Mike Wagner  
**DATE:** February 6, 2017  
**RE:** Hostile work environment

Captain Rudy,

I received an Internal Memo from Central Justice Center Sergeant Randy Taylor reporting unprofessional Conduct by one of the CJC Deputies, Deputy Manuel Garcia. Deputy Garcia is assigned to the Collaborative Court located at 909 N. Main in Santa Ana. While working as a bailiff he allegedly referred to Judge [REDACTED] as a "cunt" on several occasions. These statements were overheard by several of the court staff and was relayed to Judge [REDACTED]

Deputy Garcia is currently on vacation for the month of February, upon his return he will immediately begin serving a 40 hour disciplinary suspension for a separate incident.

I recommend this incident be forwarded to Professional Standards for further investigation of the following Department Policy Violations:

**Possible Policy Violations**

328- Policy against Unlawful Harassment and Discrimination

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.

1018.3 COOPERATION

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

1018.8 CONDUCT TOWARD SUPERIOR AND SUBORDINATE OFFICERS AND ASSOCIATES

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



1018.33 INCURRING LIABILITY

- j. 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.

1018.39 USE OF OFFENSIVE LANGUAGE

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

1018.40 OFFENSIVE CONDUCT

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



Case #	ORANGE COUNTY SHERIFF'S DEPARTMENT	POBOR DEADLINE
17-015		2/1/2018

**PERSONNEL INVESTIGATION TRACKING CHECKLIST**

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

Distributed by PSD to Court Operations 4/26/2017  
 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.

\* For those cases where the discipline exposure is 24 hours or greater, please consult with the *Constitutional Policing Advisor* (714-834-3381)

**DIVISION TRACKING**

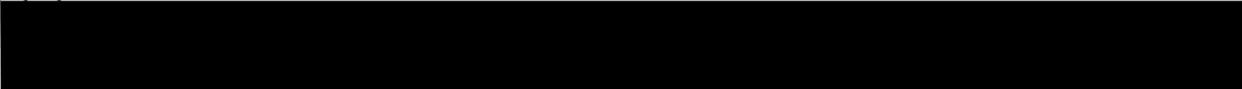
Initial Review by: CAPT. JIM RUDY 6-12-17  
 LIEUTENANT OR MANAGER DATE

**Constitutional Policing Advisor consulted:** yes no 6-12-17  
 (Circle One) DATE

**DIVISION REVIEW**

Division Review by: Captain J. Rudy 6-12-17  
 DIVISION COMMANDER DATE

Disposition is *Unfounded* or *Not Sustained*



Recommended discipline exceeds Division Authority; Referred to: Dep. M. Garcia  
 COMMAND

**EXECUTIVE COMMAND REVIEW (If applicable)**

Executive Command Review by: JEFF HAWOCK Date: 6-16-17

**PROCESSING**

Returned to PSD for processing: \_\_\_\_\_  
 Date

Employee Notification: \_\_\_\_\_  
 Date

**Notes**



## CASE MANAGEMENT NOTES

CASE#17-015

DATE	TIME	INVESTIGATION
		CASE LOGGED/COPIES TO OIR
03-06-17	0900	Deputy Amy Lindquist interviewed
03-06-17	1500	Deputy Manuel Garcia interviewed



# ORANGE COUNTY SHERIFF'S DEPARTMENT

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

SHERIFF-CORONER  
SANDRA HUTCHENS

P.I. #17-015/ Deputy Manuel Garcia

## 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

Date

Sergeant Signature

Date



SHERIFF-CORONER DEPARTMENT  
COUNTY OF ORANGE  
CALIFORNIA

SANDRA HUTCHENS  
SHERIFF-CORONER

P.I. #17-015

**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 (Mg)

**LYBARGER WARNING**

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

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

Employee Initials (Mg)

\_\_\_\_\_  
Deputy Manuel Garcia

\_\_\_\_\_  
Sergeant Brent Jasper

03-06-17  
\_\_\_\_\_  
Date

3/6/17  
\_\_\_\_\_  
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.*



# ORANGE COUNTY SHERIFF'S DEPARTMENT

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WWW.OCSD.ORG

SHERIFF-CORONER  
SANDRA HUTCHENS

P.I. #17-015

## CONFIDENTIALITY DIRECTIVE

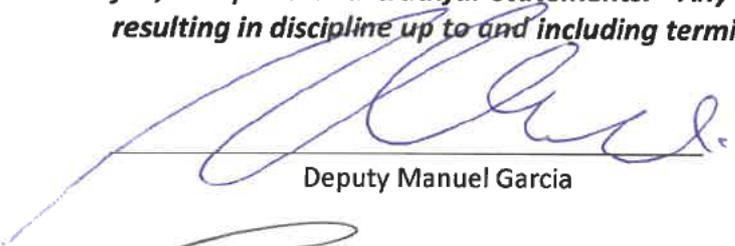
**Deputy Manuel Garcia**, you are hereby ordered not to discuss this case (or any case in which you are a witness or a principal), using any form of communication, with anyone other than your employee representative, Internal Affairs Sergeants or specific parties that may be designated by Internal Affairs.

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

### OCSD Policy 1018.4 Insubordination

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

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

  
\_\_\_\_\_  
Deputy Manuel Garcia

03-06-17  
Date

  
\_\_\_\_\_  
Sergeant Brent Jasper

3/6/17  
Date



Case Report by Principal - MANUEL GARCIA

Print Date: 2/15/2017

<u>Case Number</u>	<u>Incident Date</u>	<u>Issue Date</u>	<u>Complete Date</u>	<u>Complaint Description</u>	<u>Disposition</u>
PI17-015A	2/2/2017	02/07/2017		Deputy allegedly made unprofessional statements towards a Judge	Pending



Total Cases per Principal: [Redacted]