Internal Investigation
Administrative Worksheet
DPI# 16-130

Principal(s): Deputy Amber Garcia

Complainant(s): Administration

Facility/Location: Central Women's Jail / Captain W. Baker

Disposition:

1. OCSD Policy Manual Section 300.2 – Use of Force

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

2. OCSD Policy Manual Section 300.6 – Post Use of Force Procedures

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

3. OCSD Policy Manual Section 300.8 – Immediate Notification to Supervisors and Supervisory Response Required

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

4. OCSD Policy Manual Section 1018.1(a) – Standard of Conduct

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

5. OCSD Policy Manual Section 1018.5 – Performance of Duty

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

6. OCSD Policy Manual Section 1018.33 – Incurring Liability

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

☐ Administrative Leave

Discipline: ☐ Written Reprimand ☑ Suspension (# of hours 12)

☐ Demotion (to rank of _____) ☐ Dismissal

Comments / Other: 14 ADDITIONAL - 8 HOURS OF USE OF FORCE TRAINING.

Administrative Disposition by: [signature] **Date:** 12-14-16

Administrative Appeal Hearing

Date: _____ *Time:* _____

*In Attendance:*_____

*Comments:*_____

*Disposition:*_____

*Disposition by:*_____ *Date:* _____

Internal Investigation
Administrative Worksheet
DPI# 16-130

Principal(s): Deputy Cynthia Morris

Complainant(s): Administration

Facility/Location: Central Women's Jail / Captain W. Baker

Disposition:

1. OCSD Policy Manual Section 300.2 – Use of Force

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

2. OCSD Policy Manual Section 300.6 – Post Use of Force Procedures

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

3. OCSD Policy Manual Section 300.8 – Immediate Notification to Supervisors and Supervisory Response Required

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

4. OCSD Policy Manual Section 1018.1(a) – Standard of Conduct

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

5. OCSD Policy Manual Section 1018.5 – Performance of Duty

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

6. OCSD Policy Manual Section 1018.33 – Incurring Liability

☐ 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: W. [illegible] **Date:** 12-14-16

Administrative Appeal Hearing

Date: _____ *Time:* _____

*In Attendance:*_____

*Comments:*_____

*Disposition:*_____

*Disposition by:*_____ *Date:* _____

Internal Investigation
Administrative Worksheet
DPI# 16-130

Principal(s): Deputy Jason Pitts

Complainant(s): Administration

Facility/Location: Central Women's Jail / Captain W. Baker

Disposition:

1. OCSD Policy Manual Section 300.7 – Witness to a Use of Force

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

2. OCSD Policy Manual Section 1018.5 – Performance of Duty

☐ 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:** 12-14-16

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 Robert Peterson
Assistant Sheriff Steve Kea

From: Sergeant Virgil Asuncion

Date: February 23, 2017

P.I. File #: 16-130

Please be advised that Deputy Sheriff Amber Garcia (Employee ID [redacted] has been suspended from duty without pay for a total of twelve (12) working hours for disciplinary reasons. The suspension is scheduled to be served as follows:

1. Saturday March 18, 2017 12 hours

cc:

Commander Jon Briggs
Captain Paul D'Auria
Captain John Coppock
Lieutenant Jason Danks
Employee Relations Manager – Robin Scruggs
Position Control – Juana Fierro
HR Records Team – Melissa Mendoza
HR Records Team – Richard Sanchez
Sheriff's Payroll – Doris De La Cruz

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 SUSPENSION
DPI # 16-130

Amber Garcia
Intake Release Center
Custody Operations

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") is suspending you without pay from your position of Deputy Sheriff I, for a period of twelve (12) working hours. The suspension will be served in its entirety over consecutive hours and completed within one pay-period. In addition, you will be required to attend OCSD's eight (8) hour Arrest and Control Techniques class (ACT) within six (6) months upon receipt of the Notice of Suspension. You are required to contact Internal Affairs Sergeant Virgil Asuncion to facilitate and schedule this training within the six month 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 are suspended for violating the following:

OCSD POLICY MANUAL 300.2 USE OF FORCE
It is the policy of this department that deputies shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact the sheriff's deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is objectively reasonable in a particular situation.

OCSD POLICY MANUAL 300.6 POST USE OF FORCE PROCEDURES
Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident. When documenting a Use of Force event, Department personnel may review OCSD audio/video recordings (e.g. PVS, jail facility cameras) as a means of ensuring factual accuracy and enhancing recollection. Use of such materials in preparation of reports shall be documented, and done on an individual rather than collective basis.

OCSD POLICY MANUAL 300.8 IMMEDIATE NOTIFICATION TO SUPERVISORS AND SUPERVISORY RESPONSE REQUIRED
Supervisory notification shall be made as soon as reasonably possible following a use of force.

OCSD POLICY MANUAL 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 MANUAL 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 MANUAL 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.

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 this matter, 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.

Cindi Coppock, Captain
Central Jails Division

2/8/17
Date

Amber Garcia, Deputy Sheriff I

2/8/17
Date

ORANGE COUNTY
SHERIFF'S DEPARTMENT

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

SHERIFF-CORONER
SANDRA HUTCHENS

LETTER OF REPRIMAND
DPI # 16-130

Jason Pitts
Musick Facility
Custody Operations

Pursuant to Article IX, Section 1A, of the County of Orange Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Unit, and Orange County Sheriff-Coroner Department Policy Manual Section 340.2(a) 1, you are hereby reprimanded for violating the following sections of the Orange County Sheriff-Coroner Department Policy Manual:

300.7 WITNESS TO A USE OF FORCE

Any employee involved in or who witnesses a use of force shall notify a supervisor as soon as practical. Failure to notify a supervisor of a use of force may result in discipline pursuant to department policy. Such notification shall be made as soon as practical.

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.

On October 7, 2016, at the direction of Commander Briggs, Internal Affairs initiated a personnel investigation into your on-duty actions while working at the Central Women's Jail. It was alleged that on October 6, 2016, you witnessed a use of force on an inmate during chow hall that was not reported to your direct supervisor. The investigation was assigned as a Division Personnel Investigation to the Central Jails Command.

On November 14, 2016, at 1849 hours, you were interviewed by Lieutenant E. Manhart and had AOCDS Representative David Goldwasser present.

According to the surveillance video on October 6, 2016, at about 1605:42 hours, Deputy Garcia approached the last inmate seated in chow hall. Deputy Garcia appeared to have a conversation with the inmate. The inmate eventually stood up and appeared to have food in her hand. During the ongoing conversation, Deputy Garcia shoved the inmate's food tray off of the table onto the ground and directed the inmate to exit the chow hall. As the inmate walked toward the exit, Deputy Garcia used her hand to knock the food out of the inmate's hand. As the inmate walked into the

Chow Hall South Entrance hallway, she turned towards Deputy Garcia. Deputy Garcia used her right hand and pushed her to move her along. Deputy Garcia then grabbed the back of the inmate's smock top with her left hand and pushed her against the wall. Deputy Garcia then escorted the inmate out of the chow hall. Deputies Garcia and Morris escorted the inmate out of the chow hall.

You were seen on video standing in the chow hall when Deputy Garcia was talking to the inmate. You were also seen following Deputy Garcia as she physically contacted the inmate. During the interview, you were asked if you recalled the incident. You said, *"Not really. I mean there are so many incidents with the... at the... at the CJX complex with escorting people, and handcuffing people, searching people."* You were also asked if you thought the incident was a use of force. You said, *"Well, my opinion looking... it's such a gray area right there, I would say 'no'."* Although, it was determined by the administration that the incident was a reportable use force.

After consideration of all available information, the Department finds that you did violate the above mentioned Department Policies. 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.

A copy of this reprimand will be placed in your personnel investigation file. You are entitled to appeal this matter in accordance with Article IX, Section 1B and Article X, Section 7 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Unit.

Capt. C. Coppock — 1/3/17

Cindi Coppock, Captain
Central Jails Division — Date

Jason Potts — 1/4/17

Jason Potts, Deputy Sheriff II — Date

ORANGE COUNTY
SHERIFF'S DEPARTMENT

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

SHERIFF-CORONER
SANDRA HUTCHENS

LETTER OF REPRIMAND
DPI # 16-130

Cynthia Morris
Central Women's Jail
Custody Operations

Pursuant to Article IX, Section 1A, of the County of Orange Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Unit, and Orange County Sheriff-Coroner Department Policy Manual Section 340.2(a) 1, you are hereby reprimanded for violating the following sections of the Orange County Sheriff-Coroner Department Policy Manual:

300.6 POST USE OF FORCE PROCEDURES

Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident. When documenting a Use of Force event, Department personnel may review OCSD audio/video recordings (e.g. PVS, jail facility cameras) as a means of ensuring factual accuracy and enhancing recollection. Use of such materials in preparation of reports shall be documented, and done on an individual rather than collective basis.

300.7 WITNESS TO A USE OF FORCE

Any employee involved in or who witnesses a use of force shall notify a supervisor as soon as practical. Failure to notify a supervisor of a use of force may result in discipline pursuant to department policy. Such notification shall be made as soon as practical.

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.

1018.5 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.

On October 7, 2016, at the direction of Commander Briggs, Internal Affairs initiated a personnel investigation into your on-duty actions while working at the Central Women's Jail. It was alleged that on October 6, 2016, you witnessed and were involved in a use of force with an inmate during

chow hall that was not reported to your direct supervisor. The investigation was assigned as a Division Personnel Investigation to the Central Jails Command.

On November 14, 2016, at 1712 hours, you were interviewed by Lieutenant E. Manhart and had AOCDS Representative David Goldwasser present.

According to the surveillance video on October 6, 2016, at about 1605:55 hours, Deputy Garcia approached the last inmate seated in chow hall. Deputy Garcia appeared to have a conversation with the inmate. The inmate eventually stood up and appeared to have food in her hand. You were seen entering the Chow Hall North camera's view at approximately 1606:00. You stopped and stood behind and to the right of Deputy Garcia. Deputy Garcia appeared to direct the inmate to the chow hall's exit. As the inmate walked toward the exit, Deputy Garcia knocked the food out of the inmate's hand. As the inmate walked into the Chow Hall South Entrance hallway, she turned towards Deputy Garcia. Deputy Garcia used her right hand and pushed the inmate to move her along. Deputy Garcia grabbed the back of the inmate's smock top and pushed her against the wall. You grabbed the inmate' left arm and secured it. You admitted while the inmate was walking, she moved her arms and you did not want the inmate the chance to fight the deputies. Deputy Garcia and you escorted the inmate out of the chow hall.

You were seen on video standing next to Deputy Garcia in the chow hall when she was talking to the inmate. You were also seen following Deputy Garcia as she physically contacted the inmate. In addition, you were seen grabbing the inmate's left arm during the incident. During the interview, you stated you did not believe incident was a use of force. Although, it was determined by the administration that the incident was a reportable use force.

After consideration of all available information, the Department finds that you did violate the above mentioned Department Policies. 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.

A copy of this reprimand will be placed in your personnel investigation file. You are entitled to appeal this matter in accordance with Article IX, Section 1B and Article X, Section 7 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriffs for the Peace Officer and Supervising Peace Officer Unit.

Capt. C. Coppock

Cindi Coppock, Captain
Central Jails Division

1/3/17
Date

Cynthia Morris 9388
Cynthia Morris, Deputy Sheriff I

1-3-17
Date

ORANGE COUNTY
SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
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SHERIFF-CORONER
SANDRA HUTCHENS

NOTICE OF PENDING SUSPENSION
DPI # 16-130

Amber Garcia
Intake Release Center
Custody Operations

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") intends to suspend you without pay from your position of Deputy I, for a period of twelve (12) 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:

300.2 USE OF FORCE

It is the policy of this department that deputies shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact the sheriff's deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is objectively reasonable in a particular situation.

300.6 POST USE OF FORCE PROCEDURES

Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident. When documenting a Use of Force event, Department personnel may review OCSD audio/video recordings (e.g. PVS, jail facility cameras) as a means of ensuring factual accuracy and enhancing recollection. Use of such materials in preparation of reports shall be documented, and done on an individual rather than collective basis.

300.8 IMMEDIATE NOTIFICATION TO SUPERVISORS AND SUPERVISORY RESPONSE REQUIRED

Supervisory notification shall be made as soon as reasonably possible following a use of force.

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.

1018.5 PERFORMANCE OF DUTY:

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

1018. 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.

On October 7, 2016, at the direction of Commander Briggs, Internal Affairs initiated a personnel investigation into your on-duty actions while working at the Central Women's Jail. It was alleged that on October 6, 2016, you were involved in a use of force on an inmate during chow hall that you did not report to your direct supervisor. The investigation was assigned as a Division Personnel Investigation to the Central Jails Command.

On November 14, 2016, at 1802 hours, you were interviewed by Lieutenant E. Manhart and had AOCDS Representative David Goldwasser present.

According to the surveillance video on October 6, 2016, at about 1605:42 hours, you approached the last inmate seated in chow hall. You appeared to have a conversation with the inmate. The inmate eventually stood up and appeared to have food in her hand. During the ongoing conversation, you shoved the inmate's food tray off of the table onto the ground and directed the inmate to exit the chow hall. As the inmate walked toward the exit, you used your hand to knock the food out of the inmate's hand. As the inmate walked into the Chow Hall South Entrance hallway, she turned towards you. You used your right hand and pushed her to move her along. You then grabbed the back of the inmate's smock top with your left hand and pushed her against the wall. You then escorted the inmate out of the chow hall.

During the interview, you stated you did not believe incident was a use of force. Although, it was determined by the administration that the incident was a reportable use force.

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. Investigative Summary
3. Department Memos
4. Inmate Information
5. Chrono
6. Watch List for CWJ
7. CD of incident and 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 also ordered to attend and complete the Department's 8-hour Arrest Control Techniques/Tactical Communications training class. The Department may adjust your schedule for you to participate in the Educated Based Discipline course as EBD is conducted on duty. You understand and agree that you are required to complete the EBD course within six (6) months upon receipt of the Notice of Suspension.

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 Virgil Asuncion 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.

Capt. C. Coppock

Cindi Coppock, Captain
Central Jails Division

1/3/17
Date

A. C

Amber Garcia, Deputy Sheriff I

1/3/17

Date

Complainant: Administration **Case Name: 16-130**

Date of Complaint: October 7, 2016

Division / Division Commander: Central Women's Jail/Captain Baker

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**

_____ 10-18-16

Assistant Sheriff / Commander **Date**

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Commander J. Briggs
FROM: Captain W. Baker
DATE: October 10, 2016
RE: Request for Internal Affairs Investigation

On October 10, 2016, I received an Internal Memo from Lieutenant Wayne Rehnelt. According to Lieutenant Rehnelt's memo, the Orange County Sheriff's Department received a complaint on October 7, 2016, from [redacted] regarding the treatment of her daughter, inmate [redacted] (booking [redacted]. According to [redacted] a deputy at the Central Women's Jail, later identified as Amber Garcia, threw [redacted] food tray to floor while she was in chow hall and placed her in a "choke hold". In addition, [redacted] stated that [redacted] is pregnant and she has a note from medical staff allowing her additional eating time, but Deputy Garcia did not give her enough time to eat.

In addition to Lieutenant Rehnelt's memo, I reviewed the following documents and DVD's which were provided to me by Lieutenant Rehnelt:

- Internal Memo to Lieutenant Rehnelt from Sergeant Clayton Cranford, dated October 7, 2016
- One Jail Incident Response form for a minor jail rule violation, dated October 6, 2016
- Two DVDs
    - One containing several fixed camera video depictions of the incident
    - One containing an a video interview with inmate [redacted] and Sergeant Cranford

I viewed the video of the incident and observed the following:

The video footage of the inside the chow hall begins on October 6, 2016, at about 1604 hours. [redacted] is seated at her table with two other inmates. At 1605:38 hours, the two inmates stand up from the table and walk away, leaving inmate [redacted] alone at the table. At about 1605:45 hours, Deputy Garcia walks to inmate [redacted] table and the two appear to talk to one another. At about 1605:55 hours, Deputy Garcia walks to and stands to the left of inmate [redacted] Inmate [redacted] stands up and appears to have food in her hands.

At about 1606:01 hours, an unknown female deputy is seen entering the camera's view. The deputy stops and stands behind and to the right of Deputy Garcia. At about 1606:10 hours, Deputy Garcia pushes inmate [redacted] food tray off the table and onto the chow hall floor. Deputy Garcia appears to direct inmate [redacted] to the chow hall's exit. As inmate [redacted] walks towards the exit, Deputy Garcia uses her hand to knock the food out of inmate [redacted] hand. As inmate [redacted] continues walking toward the exit, Deputy Garcia uses her hand to push inmate [redacted] from behind. The video of the incident picks up in the chow hall's south hallway entrance.

At about 1606:19 hours, inmate [redacted] turns towards Deputy Garcia and Deputy Garcia uses her right hand to push inmate [redacted] away from her and towards the exit. At about 1606:22 hours, Deputy Garcia is seen grabbing the back of inmate [redacted] smock top and pushing her against the wall. An unknown female deputy and

unknown male deputy are seen following Deputy Garcia. At about 1606:30 hours, inmate [redacted] and the other deputies exit from the chow hall hallway and enter the second floor main corridor north. The video picks up in the second floor main corridor north. However, the times depicted on the previous camera do not coincide with the camera in the chow hall's south hallway entrance.

At about 1610:01 hours, inmate [redacted] is seen exiting from the chow hall south hallway. Another unknown female deputy is standing in the corridor when inmate [redacted] and the other deputies exit from the hallway. Deputy Garcia is holding onto inmate [redacted] right shoulder and the unknown female deputy appears to be holding inmate [redacted] left arm. At about 1610:06 hours, the deputies place inmate [redacted] on a bench in the hallway. The deputies are seen talking to inmate [redacted] until about 1613:55 hours. At which time, the deputies walk away. At about 1629:47 hours, inmate [redacted] stands up, walks towards the camera and walks out of view.

At no time did Deputy Garcia or any other deputy place inmate [redacted] in a "choke hold". However, Deputy Garcia's actions, pushing inmate [redacted] food tray to the floor, knocking food out of inmate [redacted] hand, and grabbing inmate [redacted] smock top and pushing her against a wall may have been in violation of several Orange County Sheriff's Department Policies and Procedures, including, but not limited to the following:

300.2 POLICY

It is the policy of this department that deputies shall use only that amount of force that appears objectively reasonable, given the facts and circumstances perceived by the deputy at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact the sheriff's deputies are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is objectively reasonable in a particular situation. Given that no policy can realistically predict every possible situation a deputy might encounter in the field, it is recognized that each deputy must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a deputy to actually sustain physical injury before applying reasonable force. Law enforcement personnel shall use no more force than is objectively reasonable to accomplish lawful objectives. The use of any force to accomplish unlawful objectives is prohibited. The Department will not tolerate excessive and/or punitive force.

300.6 POST USE OF FORCE PROCEDURES

Any use of force by a member of this department shall be documented by that member promptly, completely, and accurately in an appropriate report depending on the nature of the incident. When documenting a Use of Force event, Department personnel may review OCSD audio/video recordings (e.g. PVS, jail facility cameras) as a means of ensuring factual accuracy and enhancing recollection. Use of such materials in preparation of reports shall be documented, and done on an individual rather than collective basis.

300.7 WITNESS TO A USE OF FORCE

Any employee involved in or who witnesses a use of force shall notify a supervisor as soon as practical. Failure to notify a supervisor of a use of force may result in discipline pursuant to department policy. Such notification shall be made as soon as practical.

1018.1 (a) 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.

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 a competent authority shall be performed promptly as directed.

Therefore, I recommend this matter be forwarded to the Professional Standards Division for further evaluation and investigation.

For details, see attached:

- Internal Memo drafted by Lieutenant Rehnelt, dated October 7, 2016
- Internal Memo to Lieutenant Rehnelt from Sergeant Cranford, dated October 7, 2016
- One Jail Incident Response form for a minor jail rule violation, dated October 6, 2016
- Two DVDs
    - One containing several fixed camera video depictions of the incident
    - One containing an a video interview with inmate [redacted] and Sergeant Cranford

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: Captain W. Baker
FROM: Lt. W. Rehnelt
DATE: 10-7-18
RE: Possible Employee Misconduct

Allegation of possible employee misconduct: Early this morning at about 0115 hours, Lt. Cope received a phone call from [redacted] Ph# [redacted] who stated she is the mother of CWJ Inmate [redacted] Bkg. [redacted] told Lt. Cope that on 10-6-16 at about 1600 hours, a deputy threw her food tray on the floor of the chow hall and put her in a "choke hold". She also reported that her daughter was pregnant and had a note from medical staff for additional eating time but was given enough time to eat. I assigned Sgt. Cranford to investigate the allegation. He reviewed the video of the incident, called Mrs. [redacted] to confirm her account of the allegation and then video recorded his interview of Inmate [redacted] The investigation revealed a possible unreported use of force. Sgt. Cranford completed a memo detailing his investigation, see attached.

Conclusion and Opinions: I reviewed the videos of this incident, the taped interview of Inmate [redacted] and Sgt. Cranford's memo detailing his investigation. [redacted] is a pregnant Inmate who had a note from medical staff allowing her extra time to eat her meal. [redacted] was given only 7 minutes to eat when it appears Deputy Amber Garcia asks her to stop eating and exit the chow hall. It is not known if Deputy Garcia knew [redacted] was pregnant or not but [redacted] stated she told Deputy Garcia about the doctor's note when she was asked to stop eating and exit the chow hall. I believe that Deputy Garcia becomes unprofessional with Inmate [redacted] by pushing her food tray off of the table on to the floor and then knocking some food from her hand as she walks toward the chow hall exit. It's not clear as to why, but as Deputy Garcia escorts [redacted] toward the chow hall exit Deputy Garcia can be seen pushing [redacted] in the back twice. As they enter the hallway outside the chow hall Deputy Garcia again pushes Inmate [redacted] across the hallway into the wall on the opposite side. Deputy Garcia then grabs [redacted] by the back of the shirt and guides her down the hallway into another hallway and eventually directing her to sit on a bench. I saw no signs of a "choke hold" and I believe what the informant may calling a "choke hold" have been the tightening of [redacted] smock top and T-shift around her neck as Deputy Garcia grabs the back of her shirt while escorting her.

Deputy Garcia wrote Inmate [redacted] on a minor jail rule violation and notified Sgt. Cranford of the violation but made no mention that she pushed the inmate. The inmate made no of claim of injury during her interview and had on no signs of visible injury as a result of this incident but this appears to be an unreported use of force, which is a violation of Use of Force Policy 300.7 an employee involved in a use of force shall notify a supervisor.

Recommendation: I recommend further investigation and review.

ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO

TO: CPT. W. Baker
FROM: SGT. C. Cranford
DATE: 10-7-16
RE: Allegation of employee misconduct

On 10-7-16, LT Rehnelt forwarded a written phone message from LT Cope to me. On 10-6-16, at about 0115 hours, LT Cope took a phone call from [redacted] (DOB [redacted] ph# [redacted]. Mrs. [redacted] is the mother of inmate [redacted] (bk# [redacted], and claimed her daughter had been mistreated by a deputy.

On 10-7-16, at about 0930 hours. I spoke to Mrs. [redacted] over the phone. She stated that her daughter is pregnant and has a doctor's note to have additional time to eat. She said her daughter told her that on 10-6-16, during evening chow hall, [redacted] was eating and was told to exit the chow hall. Mrs. [redacted] claimed that Deputy Amber Garcia threw her food to the ground, choked her, and "got in her face."

I reviewed the CCTV of chow hall on 10-6-16 and saw that [redacted] sat down at the table at 15:58 and finished at 16:05 (7 minutes). She was the last inmate in the chow hall. In the video, Deputy Amber Garcia approached [redacted] and said something to her. [redacted] stood up but continued to eat from her food tray while Deputy Garcia was talking to her. Deputy Garcia, swept [redacted] tray to the ground and pointed to the door to exit the chow hall. As [redacted] starts walking to the door, she was still holding food in her left hand. Deputy Garcia knocked the food out of her hand with her right hand. Deputy Garcia then grabbed the back of [redacted] smock-top and escorted her out of the chow hall and sat her on the 2nd floor hall way bench.

As Garcia was walking [redacted] out of the chow hall, Garcia can be seen pushing [redacted] from the back as [redacted] turns to argue with Dep. Garcia. At one point, in the south chow hall corridor, [redacted] is trying to turn and talk to Dep Garcia. Dep. Garcia pushes [redacted] towards the exit, causing [redacted] to come in contact with the wall. Dep. Garcia and two other deputies are seen speaking to her in the hallway. Once [redacted] was seated on the bench, Dep. Garcia let go of [redacted] smock and no other physical contact was made with [redacted]

[redacted] was moved to P14 and now is fed in-cell. She is also more closely followed by medical staff.

On 10-7-16, at about 1030 hours, I interviewed inmate [redacted] with SGT Pequeno present. The interview was video recorded. I ask [redacted] if she was injured during the incident in the chow hall on the 6th. She said, "No." She said Deputy Garcia told her to exit the chow hall and then threw her tray on the ground. She said Dep. Garcia knocked food from her hand and then grabbed the back of her smock-top which drew the collar of her shirt close to her neck. She showed me her neck, and there were no marks whatsoever. [redacted] said the deputies did not hurt or injure her. She was written up for a minor jail rule violation and had to sit and sort socks for approximately an hour.

On 10-6-16, after chow hall was completed, Deputy Garcia came to my office to have me sign off a minor jail rule violation. She said wrote inmate [redacted] up for refusing to exit the chow hall when asked and was

walking with her hands out of her pockets. Dep. Garcia made no mention of having to escort or put her hands on [redacted] during this incident.

Conclusion and recommendations:

Based on the video and other information available, the allegation that Deputy Garcia "choked" inmate [redacted] is unfounded.

Deputy Garcia did physically escort [redacted] out of chow hall and at least once pushed her towards the exit when [redacted] began to slow per pace and turn to talk to Dep. Garcia.

I believe throwing [redacted] food tray on the ground, and knocking the food from her hand was a loss of self-control and unprofessional.

Deputy A. Garcia is a proactive deputy and a leader among her peers at the Women's Jail. She is also an ERT team leader. I believe that Deputy Garcia would benefit from one-on-one coaching and/or formal training on tactical communications and verbal de-escalation techniques.

JAIL INCIDENT RESPONSE - INDIVIDUAL - OPTION 1 & 2

BKN: [redacted] NAME: [redacted]

J.I.#: / DT/TM INCIDENT: 20161006/1615 INCIDENT STATUS: ACT
TYPE INCIDENT: MINOR VIOLATION: FAILURE TO OBEY DIRECTIVE
NARRATIVE: I/M WAS GIVEN MULT DIRECTIVES TO PICK IT UP AT CHOW HALL/THROW FOOD AWAY/PUT HANDS IN POCKETS AND FAILED TO COMPLY W ALL.* 3 HR LIGHT DUTY*
REPORT DEPUTY: GARCIA ID#: 8659 DR#:
****
COUNSELING: BY: ID#: DATE COUNSELED:
EXTRA DUTY HOURS: 3
COMPLETED BY DEP: ID#: DATE:
APPROVED BY SERGEANT: CRANFORD DATE:
****
LOSS: #1: #2: #3: #4: FROM: TO:
LOSS: FROM: TO:
DYS DISPO ISO: FROM: TO:
LOSS: WORK STATUS: GOOD TIME: WORK TIME: NO ACT:
NARRATIVE:

HR D/T: / HSG SGT: INM APPL: MODF:
DISPL SGT: DI DT: FAC MGR: DT:

*** END OF DATA ***

Return To Main Menu

1 / 2 100%

Orange County Sheriff's Department **Watch List for: CWJ**

Watch List Date: Thursday, 10/06/2016 **Printed on:** 10/10/2016 14:32:45

SHIFT 1

Post	On Duty - PID - Comment	Absent - PID - Comment	Radio / Unit
[redacted]			
123 - Mod I Dep (F) Shift 1 - (0430-1700)	Pitts, Jason 06226 (Portuguese) (1300 - 1700) (13:00-17:00) 4:00 1I Vaca/Annual LV		
124 - 2nd Floor Prowler Shift 1	Morris, Cynthia 9388 (0600 - 1830) (06:00-18:30) 12:30 1P Loan to other Division	[redacted]	
125 - Roof / 2nd Prowle Shift 1	Garcia, A. (ERT LDR 8659 JTO (0600 - 1830) (06:00-18:30) 12:30 1H Vacant		
[redacted]			

Page: 1 ISE Version (12/10/2008)

Return To Main Menu

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Orange County Sheriff's Department **Watch List for: CWJ**

Watch List Date: Thursday, 10/06/2016 **Printed on:** 10/10/2016 14:32:17

[redacted]

SHIFT 2

Post	On Duty - PID - Comment	Absent - PID - Comment	Radio / Unit
[redacted]			

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

COPY

TO:	Personnel File of **AMBER GARCIA**	DATE:	3/2/2017
FROM:	Captain John Coppock, Professional Standards		INTRA-DEPARTMENT MEMO
RE:	DPI# 16-130		

Sustained: 12/14/2016 Reviewed by Captain Coppock

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

JC/ch

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

COPY

TO:	Personnel File of **JASON PITTS**	DATE:	3/2/2017
FROM:	Captain John Coppock, Professional Standards		INTRA-DEPARTMENT MEMO
RE:	DPI# 16-130		

Sustained: 12/14/2016 Reviewed by Captain Coppock

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

JC/ch

SHERIFF'S DEPARTMENT, ORANGE COUNTY
Santa Ana, California

COPY

TO:	Personnel File of **CYNTHIA MORRIS**	DATE:	3/2/2017
FROM:	Captain John Coppock, Professional Standards		INTRA-DEPARTMENT MEMO
RE:	DPI# 16-130		

Sustained: 12/14/2016 Reviewed by Captain Coppock

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

JC/ch

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

CONFIDENTIALITY DIRECTIVE

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

OCSD Policy 1018.4 Insubordination

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

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

Employee Signature — 11-14-16 Date

Lieutenant Edward Manhart — 11-14-16 Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

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: 11-14-16

Lieutenant Edward Manhart — Date: 11-14-16

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

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*** (NO circled)

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

Employee Initials (AG)

LYBARGER WARNING

Deputy Garcia*, 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 (AG)

A. C.
Employee Signature

11-14-16
Date

Ed Manhart
Lieutenant Edward Manhart

11-14-16
Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

CONFIDENTIALITY DIRECTIVE

Deputy J. Pitts, 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

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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 — 11-14-16 Date

Lieutenant Edward Manhart — 11-14-16 Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

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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: 11-14-16

Lieutenant Edward Manhart — Date: 11-14-16

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

MIRANDA WARNING / LYBARGER ADMONISHMENT

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- *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*** (circled)

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

Employee Initials (JP)

LYBARGER WARNING

Deputy Pitts*, 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 (JP)

Jim Pitts
Employee Signature

11-14-16
Date

Ed Manhart
Lieutenant Edward Manhart

11-14-16
Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

CONFIDENTIALITY DIRECTIVE

Deputy C. Morris, 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.

Cynthia Morris
Employee Signature

11-14-16
Date

Ed Manhart
Lieutenant Edward Manhart

11-14-16
Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

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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.

Cynthia Norris
Employee Signature

11-14-16
Date

Lieutenant Edward Manhart

11-14-16
Date

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

D.P.I. #16-130

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 (CM)

LYBARGER WARNING

Deputy Morris, *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 (CM)

Cynthia Morris
Employee Signature

11-14-16
Date

Ed Manhart
Lieutenant Edward Manhart

11-14-16
Date

OCSD Professional Standards Division

Case Report by Principal - AMBER N. GARCIA

Print Date: 10/20/2016

Case Number	Incident Date	Issue Date	Complete Date	Complaint Description	Disposition
DP16-130A	10/6/2016	10/11/2016		Allegations of an unreported use of force.	Decentralized Discipline

Total Cases per Principal: 1

CASE MANAGEMENT NOTES

CASE # 16-130

		Case Logged