

OIM 1st Quarter (2009) Progress Report of Sustained Cases (DSD)

This report, provided on a quarterly basis, provides descriptive information on sustained cases including the number of officers involved, rank, complaint type, incident summary, finding, and discipline types for cases closed by the end of each month.

There were a total of 79 sustained internal affairs allegations in the 1st quarter of 2009. Many of the sustained allegations were for failure to pay union dues, which are not listed or described in the table below.

Month/Year	Sustained	Percent	Not Sustained	Percent	Total Allegations
January - 09	21	72.4%	8	27.6%	29
February - 09	43	82.7%	9	17.3%	52
March - 09	15	57.7%	11	42.3%	26

Subject	Rank	Complaint	Incident Summary	Finding	Discipline	Days Suspended	OIM Notes	Subsequent History	Related Civil/Criminal
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JANUARY CASES

Subject - 1	Deputy	Departing from the Truth	Subject Deputy lied to internal affairs on multiple occasions regarding multiple cases involving off duty conduct.	Sustained	Termination				
Subject - 1	Deputy	Improper Conduct	Probationary deputy accused of domestic violence.	Sustained	Termination				
Subject - 1	Deputy	Improper Conduct	Deputy made inappropriate racial comments to other officers.	Sustained	Written Reprimand				
Subject - 1	Deputy	Improper Conduct	Deputy lied during a pre-disciplinary hearing and to internal affairs about use of sick leave.	Sustained	Termination			Appeal Denied by CSA Board.	
Subject - 1	Deputy	Improper Procedure	Deputies erroneously released an inmate	Sustained	Written Reprimand				
Subject - 2	Deputy	Improper Procedure		Sustained	Verbal Reprimand				
Subject - 1	Deputy	Improper Procedure	Deputies erroneously released an inmate	Sustained	Written Reprimand				
Subject - 2	Deputy	Improper Procedure		Sustained	Written Reprimand				

February Cases

Subject	Rank	Complaint	Incident Summary	Finding	Discipline	Days Suspended	OIM Notes	Subsequent History	Related Civil/Criminal
Subject - 1	Deputy	Improper Conduct	Deputy made an offensive comment about a supervisor	Sustained	Written Reprimand				
Subject - 1	Deputy	Improper Conduct	Deputy disclosed information from a promotional examination.	Sustained	Written Reprimand				
Subject - 1	Deputy	Improper Conduct	Deputy inappropriately identified himself during a personal traffic dispute.	Sustained	Written Reprimand				
Subject - 1	Deputy	Improper Conduct	Off-duty Deputy drank to excess.	Sustained	Counseling				
Subject - 1	Deputy	Improper Procedure	Deputies erroneously released an inmate.	Sustained	Letter				
Subject - 2	Deputy	Improper Procedure		Sustained	Cautionary				
Subject - 3	Deputy	Improper Procedure		Sustained	Cautionary				
Subject - 4	Deputy	Improper Procedure		Sustained	Letter				

March Cases

Subject - 1	Deputy	Law Violation	Deputy convicted of cruelty to animal after using OC spray on a rabbit while on duty.	Sustained		60 days suspended			
Subject - 1	Deputy	Improper Procedure	Deputy submits for reimbursement for personal alcohol expense.	Sustained		60 days suspended		Discipline reduced to 30 days suspended by CSA Hearing Officer.	
Subject - 1	Deputy	Improper Procedure	Deputy unnecessarily kicked an inmate and wrote a false report.	Sustained				reduced to 120 days suspension by CSA Hearing Officer.	Pending District
Subject - 1	Deputy	Improper Procedure	Deputy failed to search an inmate as per procedure.	Sustained		1 day suspension			
Subject - 1	Deputy	Improper Procedure	Deputy excessively used the internet for personal purposes.	Sustained					Written Reprimand
Subject - 1	Deputy	Improper Procedure	Deputies misplaced inmate's money resulting in theft by an unknown person.	Sustained					Counseling
Subject - 2	Deputy	Improper Procedure		Sustained					Letter

OIM 1st Quarter (2009) Progress Report of New Cases (DSD)

TABLE 1. NEW CASES RECEIVED BY MONTH (2009)

<u>Month</u>	<u>Frequency</u>	<u>Percentage</u>
January	89	56.3%
February	29	18.4%
March	40	25.3%
TOTAL	158	100.0%

TABLE 2. NEW ALLEGATIONS BY MONTH (2009)

<u>Allegations</u>	<u>Month</u>		
	<u>January</u>	<u>February</u>	<u>March</u>
Excessive Force	1	1	1
Improper Conduct	3	6	2
Improper Procedure	69	8	17
Law Violation	2	1	3
Lost Property	11	11	14
Service Complaint	7	3	7
Other	1	1	0
TOTAL	94	31	44

OIM 1st Quarter (2009) Progress Report of Reprimands (DSD)

SHERIFF DEPARTMENT REPRIMANDS			
(Issued by Direct Supervisor)			
	Written	Verbal	Cautionary Letter
January	0	0	0
February	1	0	0
March	1	4	0

Sheriff's Department Grant of Immunity to Deputy as Part of Civil Litigation Investigation

As the result of an "open records" request, and at the request of the OIM, the Sheriff Department's Internal Affairs Bureau opened up an investigation into a claim that an inmate was detained on a wrong person warrant 18 months before. The Internal Affairs Bureau was then notified that the OIM would actively monitor the investigation.

The Monitor was subsequently informed that the internal affairs case had been closed as the result of a decision by the Director of Corrections to grant administrative immunity to the deputy, who according to the initial investigation, had likely mistakenly placed another person's warrant on the complainant (resulting in a two hour over detention). The decision to grant administrative immunity to the deputy was made without prior notice to the Monitor or the Manager of Safety.

The Monitor was informed that a City Attorney investigation into the incident required the immediate cooperation of the Deputy and, the Director believed that such cooperation was essential to the best interests of the City and outweighed the need to complete the internal affairs investigation or impose any discipline.

The Monitor believes that the decision to close an internal affairs investigation with a grant of immunity to an involved deputy in order to resolve civil litigation issues was against public policy. Further the Monitor believes that it was inappropriate for the Director to make such a decision without first conferring with the Monitor, or at least, the Manager of Safety.

Although the Director believed that it was urgent to immediately interview the involved Deputy, the Monitor is not convinced that there was actually an emergency warranting such an action. In any event, internal affairs and the Monitor's office are equipped to deal with emergent circumstances and are, in fact, on call 24 hours a day. There was no reason an interview with the deputy could not have been orchestrated quickly by internal affairs with notification to the OIM. Further, there was no reason the deputy needed to be granted immunity to cooperate, when the deputy would have been required to cooperate through an order issued by an internal affairs investigator. If the City Attorney needed the interview to be protected by attorney-client privilege, that could have been done by having the City Attorney interview the deputy himself while still allowing the internal affairs and disciplinary processes to proceed unhindered.

A deputy whose actions have led to the initiation of a law suit should not be immunized from discipline when other deputies whose conduct have not resulted in civil liability are held accountable for their actions.

The Monitor has established an excellent working relationship with the Director of Corrections and the Sheriff's Internal Affairs Bureau. Although this decision was a disappointment, we expect to continue our strong working relationship. We are hopeful, however, that no similar decision will ever be made in the future, particularly without notice and consultation with the OIM and the Manager of Safety.